

CITY COUNCIL AGENDA

Brainerd, Minnesota

July 20, 2020

7:30 P.M.

WebEx Teleconference Meeting

Call Toll-Free: 844-992-4726

Access Code: 146 235 3521

1. Call To Order - 7:30 PM

2. Roll Call

___ J. Lambert ___ K. Stunek ___ D. Pritschet ___ K. Bevans

___ W. Erickson ___ T. Erickson ___ G. Johnson ___ Mayor Badeaux

3. Approval Of Agenda - Voice Vote

4. Consent Calendar

NOTICE TO PUBLIC - all matters listed are considered routine by the Council and will all be enacted by one (1) motion. There will be no separate discussion of these items unless good cause is shown prior to the time the Council votes on the motion to be ADOPTED BY ROLL CALL

A. Approval Of Minutes

1. Regular Meeting Held on July 6, 2020
2. Workshop Held July 13, 2020

Documents:

20200706_CC draft.pdf

20200713_CC Workshop.pdf

B. Approval Of Licenses

Contractor Licenses - 2

Documents:

CONTRACTOR LICENSE REPORT - 2020-07-14.pdf

C. Department Activity Reports

1. Police Chief
2. Finance Director

Documents:

Police Chief Report.pdf

D. Minnesota Lawful Gambling Application For Exempt Permit - Submitted By The Mule Deer Foundation, 1939 S 4130 W Suite H, Salt Lake City, UT 84104 For An Event To Be Held August 6, 2020

At The Brainerd American Legion, 708 Front St., Brainerd -
Approval Of

- E. Temporary Beer License Revised Date From April 25, 2020
(Canceled Due To COVID) - Submitted By The Brainerd Aeries
Eagles #287, 124 Front St., Brainerd For An Event To Be Held
August 22, 2020 At Memorial Park, 1700 Mill Ave., Brainerd -
Approval Of
- F. Adopt Resolution Accepting Donations & Contributions For The
2nd Quarter 2020

Documents:

RES - 2nd Qtr Donations.pdf

5. Community Member Of The Month

Documents:

Tammy Ebertowski.pdf

6. Presentations

A. 2019 Audit Presentation

Documents:

2019 Audit.pdf

7. Council Committee Reports

A. Safety And Public Works Committee - 6:45 P.M.

WebEx Teleconference Meeting Information

- Call Toll Free - 844-992-4726
- Access Code - 146 199 6949

Documents:

20200720_SPW.pdf

1. Improvement 20-03 - 2020 Large Patching Project Quotes

Documents:

Imp 20-03 Quotes.pdf

2. Organized Garbage Collection

Documents:

Organized Garbage Collection.pdf

3. H Street NE Cut-Across Traffic Discussion

Documents:

H Street Cut-Across Traffic Discussion.pdf

B. Personnel And Finance Committee - 7:00 P.M.

WebEx Teleconference Meeting Information

- Call Toll Free - 844-992-4726
- Access Code - 146 670 1913

Documents:

20200720_PF.pdf

1. Approval Of Bills
2. Discussion Of Lakes Area Media Collaborative

Documents:

Agenda Item - LAMC Discussion 20200720.pdf

3. School Resource Officer Contract Amount For 2019-2020 School Year

Documents:

SRO Contract.pdf

4. Street Department Employee Resignation

Documents:

Diethert Resignation.pdf

5. Request For Proposal For 2020 Audit Services

Documents:

Audit Services .pdf

8. Unfinished Business

A. Call For Applicants - Informational

(Applications Available at City Hall or at the City's Website)

(<http://www.ci.brainerd.mn.us>)

Mayor Recommended: (terms to expire 12/31 of said year)

Cable TV Advisory Committee - 1 term (Expire 2021) - 2 terms (Expire 2022)

Charter Commission - 2 terms (Expire 2020) - 1 term (Expire 2021) - 1 term (Expire 2022) - *pending appointment*

Mayor Recommended: (term to expire 09/07 of said year)

Economic Development Authority (EDA) - 1 term (Expire 2020) - *pending appointment*

Other - Applicants Needed

Water Tower Committee

Parking Commission

B. Committee Recommendations - Recommended By Mayor Badeaux

- Michael O'Day - Charter Commission
- Michael O'Day - Economic Development Authority (EDA)

Documents:

ODay, Michael - Charter Comm.pdf

ODay, Michael - EDA.pdf

C. Adopt Amended Preparedness Plan

Documents:

Preparedness Plan Agenda Item.pdf

9. New Business

A. Dangerous Dog Hearing

Documents:

Dangerous Dog Hearing.pdf

10. Planning Commission

A. Conditional Use Permit - Jacobson Excavating & Landscaping - 3424 Oak St.

Documents:

Conditional Use Permit - Jacobson Excavating and Landscaping.pdf

B. Conditional Use Permit Amendment - Harrison Elementary School - 1515 Oak St.

Documents:

Conditional Use Permit Amendment - Harrison Elementary School.pdf

C. Zoning Code Update RFP

Documents:

Zoning Code Update RFP.pdf

11. Public Forum

Time allocated for citizens to bring matters not on the agenda to the attention of the Council - Time limits may be imposed

12. Staff Reports

(Verbal: Any Updates since Packet)

A. City Administrator Report/Update

Documents:

CA Report.pdf

13. Council Member Reports

14. Adjourn

Personnel & Finance Committee will meet at PM 7:00 via WebEx Teleconference

Call Toll-Free: 844-992-4726

Access Code: 146 670 1913

Safety & Public Works Committee will meet at 6:45 PM via WebEx Teleconference

Call Toll-Free: 844-992-4726

Access Code: 146 199 6949

Visit the [City's Website](http://ci.brainerd.mn.us) (ci.brainerd.mn.us)

MISSION

"Provide high quality, cost effective public services and leadership in creating a sustainable city"

**Brainerd, MN
July 6, 2020**

Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council via WebEx teleconferencing was called to order at 7:30 P.M. by Council President Johnson.

Upon roll call, the following members were noted as present: Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson. Mayor Badeaux was noted as absent.

Due to conducting the meeting electronically, all motions will be voted on by a roll call vote for accuracy.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO AMEND THE AGENDA BY POSTPONING THE COMMUNITY MEMBER OF THE MONTH TO THE JULY 20, 2020 COUNCIL MEETING.

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted "aye". No member voted "nay". The Chair declared the motion carried.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS TO APPROVE THE CONSENT CALENDAR.

A. Approval of the Minutes of the Regular Meeting held on June 15, 2020 - Approved

B. Approval of Licenses - Approved

Contractor Licenses – 7

C. Department Activity Reports - Approved

1. Fire Chief
2. Parks Director

D. Approval of June 15, 2020 City Administrator Performance Review Summary - Approved

E. Event Application – Produce Pop-Up - Approved

F. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by MN Trappers Association, 29041 73rd St., Pierz, MN for an Event to be Held August 1, 2020 at Brainerd American Legion, 708 Front St., Brainerd - Approved

G. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by the Brainerd Fire Department Relief Association for an Event to be Held December 7, 2020 at the Brainerd Fire Department, 23 Laurel St., Brainerd - Approved

H. Temporary On-Sale Liquor License Application – Submitted by the Brainerd Jaycees for an Event to be Held on September 12, 2020 in Downtown Brainerd in the Mills Parking Lot Located at Front and S. 6th Street - Approved

I. Ratification of Hiring Temporary/Seasonal Employee - Approved

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted “aye”. No member voted “nay”. The Chair declared the motion carried.

Community Member of the Month – Postponed to July 20, 2020 Council Meeting

Presentations

The Chair recognized Senior Commander Lowell Kruse, who presented Camp Ripley’s 2020 Community Brief. He explained the mission of Camp Ripley is to provide superior customer service, facilities and resources empowering organizations to train in a realistic environment while fostering positive community relations and being the best neighbor they can be. He reviewed a background of the current leadership staff; the 2019 economic impact and the efforts being taken due to COVID-19. He gave a brief overview of the 2020 training schedule, community outreach events and the environmental partnerships. The Council had the opportunity to ask questions and the Chair thanked Senior Commander Kruse for his presentation.

Council Committee Reports

Safety & Public Works Committee Report

Event/Street Closure Application – ECFE & City of Brainerd Touch-A-Truck - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR THE BRAINERD ECFE AND CITY OF BRAINERD TOUCH-A-TRUCK EVENT ON OCTOBER 3, 2020 PROVIDING THAT THE GOVERNOR’S REGULATIONS FOR COVID-19 ARE MET.

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted “aye”. No member voted “nay”. The Chair declared the motion carried.

Event/Street Closure Application – Jaycees Street Fest - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR THE JAYCEES STREET FEST EVENT ON SEPTEMBER 11 AND 12, 2020 IN THE MILLS PARKING LOT AT THE CORNER OF FRONT AND S. 6TH STREET UNDER THE CONDITIONS THAT REQUESTS FOR TRAFFIC CONTROL BE MADE ONE WEEK PRIOR TO THE EVENT AND THE APPLICANT COORDINATE POLICE STAFFING WITH DEPUTY CHIEF BESTUL WITH A PLAN FOR SOCIAL DISTANCING, WEARING MASKS AND CONTROL OF THE EVENT TO UNDER 250 PEOPLE BE SUBMITTED TO THE POLICE DEPARTMENT PRIOR TO THE EVENT AND ANY WATER/POWER NEEDS BE COORDINATED WITH BPU.

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted “aye”. No member voted “nay”. The Chair declared the motion carried.

Council Member Lambert addressed the concern that the volume of the music be lowered at 10:00 pm, due to resident complaints from previous years. Council Member Johnson stated this may be discussed with the Jaycees.

Council Member Lambert made a motion to amend the previous motion.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS TO ADD TO THE PREVIOUS MOTION THAT THE BRAINERD JAYCEES EVALUATE AND MONITOR THE DECIBEL LEVEL OF THE MUSIC TO BE LOWERED AT 10:00 PM UNTIL THE EVENT CONCLUDES.

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted "aye". No member voted "nay". The Chair declared the motion carried.

Improvements 13-21, 19-09, 19-16, 19-20, and 19-21 – NE Brainerd Reconstruction Project – Change Order 1 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE ATTACHED CHANGE ORDER FOR IMPROVEMENTS 13-21, 19-09, 19-16, 19-20 AND 19-21.

Committee Chair Bevans explained this is a two-step change order. He said the first is to provide clean water to residents during the temporary shutoff, the contractor had to go out of the normal area for valve placements which incurred an additional cost. He stated the second is a revision to a section of storm sewer which needs to be dug in deeper where a fiber optic duct was discovered.

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted "aye". No member voted "nay". The Chair declared the motion carried.

City-Wide Storm Sewer Hydraulic and Hydrologic (H & H) Modeling Proposal - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO AUTHORIZE STAFF TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HRGREEN FOR THE CITY-WIDE STORM SEWER HYDRAULIC AND HYDROLOGIC STUDY AT A COST NOT TO EXCEED THE BUDGETED AMOUNT OF \$70,000 WHICH COMES FROM STORM SEWER FUND 238.

City Engineer Sandy stated a study such as this helps the City to mitigate risks by understanding the makeup and sizing of the system and how it reacts to larger storm events.

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted "aye". No member voted "nay". The Chair declared the motion carried.

Regulating Location of Garbage Receptacles – No Action Taken

City Administrator Bergman stated a resident wanted to voice his concerns regarding garbage cans being left out in the right-of-way as they attract bugs and vermin.

Council Member Bevans explained there is an issue with garbage receptacles being left out, and Community Development Director Chanski offered a simple revision to City Code Section

600.05 regarding garbage. Member Bevans indicated there is the concern of how to enforce this ordinance due to multiple garbage collection companies operating in the City on different pickup schedules. He said further ordinance review may be needed, and more ideas will be brought to the next Council meeting on July 20, 2020.

Personnel and Finance Committee Report

Approval of Bills and 2019 Transfers of Funds - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO APPROVE THE PAYMENT OF BILLS AND 2019 TRANSFERS OF FUNDS AS RECOMMENDED BY PERSONNEL AND FINANCE COMMITTEE.

From General Fund 101 to Capital Fund 400	\$133,000 per Fund Balance Policy
From Public Safety Fund 225 to Fire Capital Fund 404	\$52,000 per FAB Contract

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted “aye”. No member voted “nay”. The Chair declared the motion carried.

Discussion on Lakes Area Media Collaborative – Direction Given

Committee Chair Pritschet explained the details of concerns with Lakes Area Media Collaborative and the difficulty obtaining the necessary equipment and installation deadlines.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO DIRECT STAFF TO LOOK FOR AN AGREEMENT WITH LAKES AREA MEDIA COLLABORATIVE AND STAFF WILL PRESENT A RECOMMENDATION TO THE COUNCIL AT THE JULY 20, 2020 MEETING.

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted “aye”. No member voted “nay”. The Chair declared the motion carried.

Resignation of Paid on Call Firefighter Sell - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO ACCEPT WITH REGRET THE RESIGNATION OF FIREFIGHTER SELL EFFECTIVE JULY 31, 2020.

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted “aye”. No member voted “nay”. The Chair declared the motion carried.

Police Officer Retirement - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO ACCEPT WITH REGRET THE RETIREMENT OF OFFICER SCHREIFELS EFFECTIVE AUGUST 16, 2020.

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted “aye”. No member voted “nay”. The Chair declared the motion carried.

Police Request to Use Drug Forfeiture Funds - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO APPROVE THE POLICE DEPARTMENT TO UTILIZE APPROXIMATELY \$1,037 OF DRUG FORFEITURE FUNDS TO PURCHASE A LAPTOP COMPUTER.

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted "aye". No member voted "nay". The Chair declared the motion carried.

Resignation of Seth Greenwaldt – Street Maintenance I - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO ACCEPT WITH REGRET THE RESIGNATION OF SETH GREENWALDT EFFECTIVE JULY 9, 2020 AND AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS TO BACKFILL THIS POSITION.

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted "aye". No member voted "nay". The Chair declared the motion carried.

Memorandum of Agreement Between the City and LELS Local #65 to Extend the Appeals Panel Decision Timeframe from Five Days to Six Weeks - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO APPROVE THE MEMORANDUM OF AGREEMENT AS PRESENTED BETWEEN THE CITY OF BRAINERD AND LAW ENFORCEMENT LABOR SERVICES INC LOCAL #65 (POLICE OFFICER) UNION EXTENDING THE TIMEFRAME FOR THE APPEALS PANEL TO REACH A BINDING DECISION AFTER AN ANNUAL PERFORMANCE EVALUATION PRESENTATION FROM FIVE DAYS TO SIX CALENDAR WEEKS.

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted "aye". No member voted "nay". The Chair declared the motion carried.

Recycling Fund Discussion – Direction Given

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS TO DIRECT STAFF TO DISCUSS COST SHARING WITH BPU AND TO COVER THE SHORTFALL WITH FUNDS FROM STORM SEWER FUND.

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted "aye". No member voted "nay". The Chair declared the motion carried.

Unfinished Business

Call for Applicants – Informational: **(Application Information at www.ci.brainerd.mn.us/boards/)**

Mayor Recommended: (terms to expire on 12/31 of said year)

Cable TV Advisory Committee – 1 term (Expire 2021) - 2 terms (Expire 2022)
Charter Commission – 2 terms (Expire 2020) - 1 term (Expire 2021) – 1 term (Expire 2022) – 1 term (Expire 2023) *pending appointment*

Mayor Recommended: (terms to expire 09/07 of said year)

Economic Development Authority (EDA) – 1 term (Expire 2020)

Other

Water Tower Fundraising Committee – Applicants Needed

Committee Recommendations – Recommended by Mayor Badeaux - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO APPOINT KEVIN YEAGER TO THE CHARTER COMMISSION WITH A TERM TO EXPIRE DECEMBER 31, 2023.

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted “aye”. No member voted “nay”. The Chair declared the motion carried.

City Hall Remodel Front Stairwell/Exterior Work Discussion and Overall Project Update - Approved

City Engineer Sandy stated upon further examination of the front steps and the need to resolve safety issues, WSN recommends changes in the scope of work. He gave a brief review of the condition of the steps and the recommended solution to construct a safe and durable stairway.

Mr. Kevin Currie, project manager with Contegrity Group gave an update to the quote from Baratto Brothers and the cost factors involved. He stated the first option would be to use the granite stone as the stair treads, at a cost of approximately \$92,000. He explained the second option of using the granite stone as a riser with concrete as the stair tread would increase the bid by about \$10,000 and would be the best option for safety and longevity. He indicated this would fall within the budgeted contingency fund.

Mr. Mike Angland, project manager with WSN indicated significant shifting of the stairs has occurred due to freezing and thawing cycles. He said a better determination of the scope of work can be done when the stairs are removed.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO AUTHORIZE CONTEGRITY AND WSN TO REMOVE THE STAIRWELL WITH THE UNDERSTANDING TO RECONSTRUCT BY USING THE GRANITE AS STAIR RISERS WITH CONCRETE STAIR TREADS, TO PRESERVE THE QUALITY OF THE GRANITE AND RETURN TO THE COUNCIL WITH AN ACCURATE COST WITHIN TWO WEEKS.

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted “aye”. No member voted “nay”. The Chair declared the motion carried.

Mr. Currie and Mr. Angland gave a brief update to the overall project including the exterior cleaning and repair, the completion of the roof work and mechanical system. Mr. Angland stated special care will be given to the materials used on the exterior to preserve the historical integrity of the building.

New Business

Update on Dangerous Dog

Mr. Michael O'Brien, Animal Control Officer gave an update regarding the requirements for the dog owners to comply with from the Council meeting on June 15, 2020. He indicated they

July 6, 2020 - **DRAFT**

have met the fencing, licensing and rabies requirements but have not obtained the correct insurance policy. He said according to our City Ordinance and state law, the next step is to seize the animal to be held at the HART animal shelter for 14 days at the expense of the owner and may be reclaimed upon proof of the required insurance and holding fees are paid.

Council discussion took place. Member Pritschet indicated he will be voting against the motion, as he does not agree with the dangerous dog determination.

MOVED AND SECONDED BY ALDERMEN BEVANS AND T. ERICKSON TO FOLLOW THE CITY ORDINANCE AND STATE LAW AS OUTLINED BY ANIMAL CONTROL OFFICER MICHAEL O'BRIEN.

Upon roll call, members Lambert, Stunek, Bevans, W. Erickson, T. Erickson, and Johnson voted "aye". Member Pritschet voted "nay". The Chair declared the motion carried.

Adoption of Resolution Awarding the Sale of General Obligation Bonds, Series 2020A; Fixing their Form and Specifications; Directing their Execution and Delivery; and Providing for their Payment – Adopted Resolution 31:20

Mr. Paul Steinman with Baker Tilly gave a review of the rates and bids on the general obligation bonds. He indicated the recommendation is to award the bid to UMB Bank at their proposed rate of 1.09%. Mr. Steinman read some of the comments from the rating report, which were all very favorable.

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO ADOPT A RESOLUTION AWARDING THE SALE OF GENERAL OBLIGATION BONDS, SERIES 2020A, IN THE REDUCED AGGREGATE PRINCIPAL AMOUNT OF \$3,595,000; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT WITH UMB BANK AT 1.09% INTEREST RATE.

RESOLUTION NO. 31:20

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted "aye". No member voted "nay". The Chair declared the motion carried.

Discussion on Work from Home Plan and the Re-Opening of City Facilities - Approved

City Administrator Bergman explained the recommendations of installing equipment to allow for a controlled access to City Hall as we continue to look ahead to re-opening City facilities. She said the work from home plan has been updated to reflect staff return to work on a rotating basis. She indicated at this time, the police, fire, and parks departments will remain closed to public access.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT TO AUTHORIZE STAFF TO OPEN CITY HALL WHEN EQUIPPED WITH CONTROLLED ACCESS EQUIPMENT AND APPROVE THE REVISED CITY OF BRAINERD STAY AT HOME WORK PLAN AS PRESENTED.

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted "aye". No member voted "nay". The Chair declared the motion carried.

CARES Act Funding – Informational

Finance Director Hillman stated the City of Brainerd will be receiving CARES Act funding and she explained the required criteria to use these funds. She indicated staff will provide more detail regarding the allowed uses and timeframe to use the funds at the July 20, 2020 meeting.

Discussion on Re-Establishing the Parking Commission - Approved

Council Member Johnson indicated he spoke to a downtown business owner recently regarding parking concerns. He said she requested a committee be organized to discuss ideas to resolve some parking issues. There was a parking commission in the past that was dissolved due to lack of attendance of members. Council Member Lambert suggested a smaller group of five members.

Mr. Bruce Buxton indicated downtown parking remains a concern and as we renovate and revitalize the buildings the need for parking will increase.

Community Development Director Chanski stated the original commission was comprised under the direction of the Planning Department. He requested clarification from Council as to the direction to take. He also stated in order for this to be a successful committee, there will need to be a purpose established and direction given to the members of the problems they are to address.

Council Member Bevans stated he believes creating another committee is a waste of time and explained the rental housing committee has yet to come to the Council with their recommendations.

Council Member Lambert indicated the rental housing committee has accomplished many tasks but were halted due to COVID. She stated she is in favor of re-establishing the parking commission.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND W. ERICKSON TO REESTABLISH THE PARKING COMMISSION AS AN AD HOC COMMITTEE TO MEET MONTHLY WITH APPOINTMENTS LIMITED TO FIVE MEMBERS.

Council Member Lambert indicated in the past, there was no Council Member appointed as a liaison. It was determined this is not necessary to appoint a liaison to re-establish the commission.

Upon roll call, members Lambert, Stunek, Pritschet, W. Erickson, T. Erickson, and Johnson voted “aye”. Member Bevans voted “nay”. The Chair declared the motion carried.

Resolution – Improvement 14-05 – Old Stonebridge Trail Final Lift – Accepting Bid – Adopted Resolution 32:20

City Engineer Sandy gave a brief update regarding the Council’s request for information regarding a previous payment towards the final lift. He said the recommendation is to award the bid to Knife River Corporation at the project cost of \$66,073. He stated the original developer placed a \$20,000 wear course escrow in 2004, which will reduce the project cost to \$46,073.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ACCEPT STAFF'S RECOMMENDATION AND ADOPT A RESOLUTION IN WHICH ACCEPTS THE BID FROM KNIFE RIVER CORPORATION AT A TOTAL BID COST OF \$66,073 AND AUTHORIZES THE MAYOR AND CITY ADMINISTRATOR TO ENTER INTO A CONTRACT.

RESOLUTION NO. 32:20

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted "aye". No member voted "nay". The Chair declared the motion carried.

Transient Food District Exemption - Approved

Community Development Director Chanski explained the details of the request from the applicant and the potential to revisit the transient food districts listed in our ordinance. He explained due to COVID, many food trucks are looking at other options to operate.

MOVED AND SECONDED BY ALDERMEN BEVANS AND STUNEK TO APPROVE THE OPERATION OF THE ALL FRIED UP FOOD TRUCK OUTSIDE OF THE OLD PAPA JOHNS LOCATED AT 400 WASHINGTON STREET FOR ONE DAY PER WEEK THROUGH 2020.

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted "aye". No member voted "nay". The Chair declared the motion carried.

Public Forum

The Chair opened the public forum at 9:39 p.m.

The Chair recognized Erika Olson, 911 S. 8th St., who wanted to discuss the dangerous dog issue as she is the owner of the dog.

Council Member Johnson stated Council policy states topics on the agenda cannot be discussed during public forum but will allow her three minutes to speak.

Ms. Erika Olson stated she disagrees and is very upset with the determination of her dog being deemed as a dangerous dog due to a neighbor providing false information. She gave a brief update of the situation and her input regarding the report against her dog.

The Chair recognized Cheryl Peterson, 1518 Quince St., who spoke regarding the dangerous dog issue and is also against the determination of Ms. Olson's dog and asks for Council to reconsider.

The Chair closed the public forum at 9:50 p.m.

Staff Reports

City Administrator Bergman announced the working group for the Region Five Children's Museum was scheduled to meet today, the Master Plan Task Force will meet on July 16th and the Chamber of Commerce is hosting a Business After Hours highlighting the museum on July 28th. She explained the Downtown Business Coalition has raised funds for banners to be displayed downtown and the Council Workshop will be held on July 13th at the Fire Department.

Community Development Director Chanski indicated he will be presenting an update of the activities taking place in his department at the July 20th meeting. He stated the LCCMR submission for the Riverfront Trailhead has reached the next step as being selected to present to the LCCMR Board, with the date yet to be determined. He announced as of July 1st, the City is authorized to conduct commercial plumbing plans and inspections and thanked Building Official Darrin Deseth for his Master Plumber accreditations. He indicated all building permit applications are available online and paper applications will be terminated October 31, 2020.

Mr. Chanski requested direction from the Council as to resuming rental housing inspections, which were placed on hold in March due to COVID.

MOVED AND SECONDED BY ALDERMEN BEVANS AND STUNEK TO RESUME RENTAL HOUSING INSPECTIONS AND DIRECT STAFF TO TAKE PROTECTIVE AND SAFETY PPE MEASURES.

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, and Johnson voted “aye”. No member voted “nay”. The Chair declared the motion carried.

Park Director Sailer announced the final Memorial Park drawing was in the packet and will be meeting with WSB on July 7th to discuss and fine tune the plans. He gave a brief update of the bidding plans and details about future sport events in this park.

Council Member Bevans clarified the Splash Pad that is being fundraised for is a private enterprise and is not associated with the City or any of the Parks Departments’ projects.

Council Member Reports

City Administrator Bergman stated Mayor Badeaux has asked her to thank everyone for the successful 4th of July fireworks event.

Council Member Lambert said she has been asked by residents if the City is going to require face masks to be worn in public. It was determined that it is highly encouraged but not mandatory.

Council Member T. Erickson gave brief updates to the Northland Arboretum and the Riverfront committee meetings and stated the Fire Advisory committee meeting was canceled for the month of May.

Council Member W. Erickson said he is proud of our Police Department and how they have been handling various situations in the community.

Council Member Johnson stated he encourages wearing masks in public. He also stated he met with BPU and power costs are low due to the new agreement in place. He announced there was an issue with vehicles being vandalized with eggs being thrown in southeast Brainerd. He requested City Engineer Sandy to follow up with the street department to get the sweeper out to clean it up.

Mr. Johnson added he has been asked why the public forum is located at the end of the meeting and why topics on the agenda cannot be discussed at said forum. He directed staff to look into the reason why.

Adjourn to Council Workshop on July 13, 2020 at 6:00 pm at the Fire Department

The Council adjourned at 10:06 p.m.

Jennifer Bergman
City Administrator

**Brainerd, MN
July 13, 2020**

Pursuant to due call and notice thereof, the Workshop of the Brainerd City Council was called to order at 6:00 p.m. by Council President Johnson.

Upon roll call, the following members were noted present: Lambert, Stunek, Pritschet, Bevans, T. Erickson, and Johnson. Member W. Erickson was noted as absent. Mayor Badeaux was also noted as present.

Additional staff present were: City Administrator Bergman, Police Chief McQuiston, Fire Chief Holmes, Community Development Director Chanski, City Engineer Sandy, Finance Director Hillman, HR Director Schubert, Parks Director Sailer and IT/GIS Director Strong. Also present were: Karen Young and John Schommer, Brainerd HRA, Ashley Kaisershot, Sourcewell and Theresa Bourke, Brainerd Dispatch.

Discussion on City Council Goals

Council Member T. Erickson gave an overview of the planning process that took place in the development of the Comprehensive Plan that was adopted in October 2019. He highlighted the importance of the community engagement sessions, the different audiences using the plan and the balance of history versus moving forward.

City Administrator Bergman reviewed the results of the survey that was taken by the City Council members, Department Heads and Boards and Commissions members.

Council discussion took place on goals and strategies that were the higher priority regarding the following topics: land use, community character, housing, mobility, economic development, parks and recreation, facilities and infrastructure, public safety, and natural resources.

Adjourn

The Chair adjourned the meeting at 7:32 p.m.

Jennifer Bergman
City Administrator

Contractor List

07/14/2020

Contractor Name	Address	Local License #	Licensee Type
EAST SIDE GLASS COMPANY Luke Ferkinhoff	305 FRANKLIN AVE NE (320) 251-1900	2020-0001	Glass/glazing
HOUDEK CONCRETE & MASONRY, LLC	204 6TH AVE NW (320) 894 5515	2020-0005	General Commerical

Totals: 2

Population: All Records
Licensee.DateRegistered Between 7/2/2020 12:00:00 AM AND 7/14/2020 12:00:00 AM

**BRAINERD POLICE DEPARTMENT
MEMORANDUM**

TO: Brainerd City Council
FROM: Police Chief Corky McQuiston
DATE: 07-14-20
RE: Monthly Report



Body Camera Upgrade



AXON BODY 3

This camera quickly adjusts to changing light conditions without sacrificing clarity. Advanced audio algorithms focus on the most important sounds for evidentiary purposes working together with four microphones to capture clear audio. The imaging and audio capabilities result in better video evidence.

One feature to point out with the new camera is it has gun-shot detection capabilities to automatically initiate a recording after the devices senses a gun shot. Our previous cameras would have required an officer to initiate a recording

We've reached year 2 ½ in our Body Worn Camera System contract with the vendor Axon. The agreement includes a device and docking system upgrade and we completed this replacement process with the entire department by the middle of June.

The new Axon Body 3 features enhanced low-light performance and reduced motion blur. Reduced motion blur during recordings results in clearer evidence during playback creating near-photographic level of detail.



AXON BODY 2

Officer Troy Schreifels



Photo courtesy Steve Kohls

As most of you are probably aware, Brainerd Police Officer Troy Schreifels was recognized by the Brainerd Noon Sertoma Club on June 17th, and received their Service to Mankind Award.

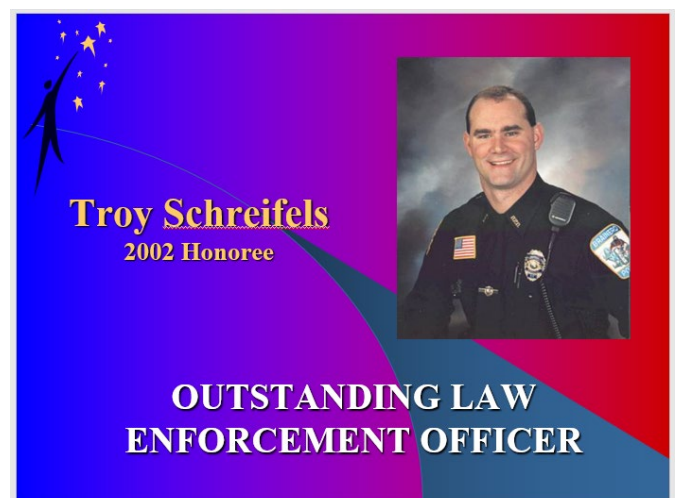


Thank you to JD Berns for nominating Troy for this.

We could not think of a better person, particularly a more fitting Police Officer than Troy to receive this award. Most people are police officers because they want to help people, Troy takes this to the next level by being very involved volunteering in the community. For the past two decades our police department has benefitted immensely because of the relationships that Troy has built

Officer Schreifels has been a very major part of shaping our department's culture for a long time. His dedication is clearly seen with his involvement in training, commitments to the community, and particularly his devotion to the school district for the past 14 years.

Troy is no stranger to awards. Flashback to 2002 when he was recognized at the Jaycees Distinguished Service Awards as the outstanding Law Enforcement Officer. Officer Schreifels also announced that after nearly 24 years of service to the Brainerd Police Department he would be retiring in August. Troy is irreplaceable in many ways and this is a very significant loss for our department.



Monthly Online Training



Our mandatory monthly on-line courses covered three very timely topics for June:

1. Blood Borne Pathogens (OSHA Mandate)
2. Procedural Justice & Police Legitimacy (POST Mandate)
3. Mental Health Part 1 (POST Mandate)

Procedural Justice & Police Legitimacy

This course helps to address the POST Mandates on training for Conflict Management and Mediation. The objectives of the course focus on:

- How Police Legitimacy effects community trust & respect
- Increased Police Legitimacy contributes to observance of the law, better cooperation, and community willingness to partner with law enforcement
- Promoting Strategies for applying Procedural Justice by:
 - ✓ Treating People with Dignity & Respect
 - ✓ Conspicuously demonstrating fair and unbiased decision making
 - ✓ Giving people and opportunity to be heard during enforcement encounters
 - ✓ Being open to community involvement in problem solving

The California POST put together an excellent video on Procedural Justice. We have been promoting this on our Facebook page and sharing it when other opportunities come up. In just over three minutes this video captures an encounter with a white police officer and a young black male and things that both persons experience during a traffic stop encounter. Please take a chance to watch this video and share it with others.



<https://post.ca.gov/did-you-know-procedural-justice>

Mental Health Part 1



The Mental Health PATROL training is broken into four parts:

1. **Introduction**
2. **Assessment**
3. **Intervention**
4. **Capstone**



Part 1 covers the POST Mandates involving **Crisis Intervention** and Objective #1 of the POST Mental Illness learning objectives. The course works to replace myths, biases, and fears with some basic information about mental health disorders, enabling police to serve people with disorders as effectively, professionally, and compassionately as possible.

- ✓ **Introduction**
- ✓ **Bias, Fear, Stigma, and Informed Responses**
- ✓ **Prevalence and Contributing Factors**
- ✓ **Goals and Safety Considerations**
- ✓ **Mental Illness Basics**
- ✓ **Specific Disorders and Symptoms**

Completing the course, officers have a better understanding of:

- Bias, fear, and misinformation that come from the stigma surrounding mental illnesses, and the importance of informed, fair, and impartial responses.
- Learning the definition of mental illness and recognizing its manifestations through thought, emotion, and behavior.
- The major and serious forms of mental illnesses and associated symptoms and behaviors including substance use disorders and personality disorders, and signs of suicidality.
- How psychiatric medications work, some of their possible side effects, and why people don't always take them.
- Recognize how behaviors associated with mental illnesses may overlap with commonly observed criminal behavior.

Body Worn Camera Data Report



Month	Number of Videos	Hours of Videos	GB of Videos	Average MB per Video	Average Time Length of Videos	Average Number of Videos Per Day
May	1175	251 Hours	481 GB	409 MB	12.9 Minutes	37
June	1612	328 Hours	604 GB	375 MB	12.2 Minutes	54

Conduct on Premises Activity Report for June

ICR	Date Reported	Title	Address	Summary
20006301	06/04/20	Conduct on Premises	1023 SE 13 th Street	Conduct on Premises
20006401	06/06/20	Conduct on Premises	812 Walnut Street	Conduct on Premises

Monthly Police Activity

June	2020	2019
ICRs	1406	1426
Citations (Inc. Parking)	181	202
Part I and Part II Crimes Reported	**	246

** Note: This does not include files that have not yet been coded

** Note: Transitioning to NIBRS reporting

62 parking tickets were issued in the month of May with the following dispositions:

Revenue Recapture Receipts:

To Date: \$ 54,669.39

In 2020: \$ 6,829.31

4	Dismissed
1	Business Validations
24	Paid in Full
1	Partial Payments Received
32	No Payment Received

May Animal Control Report

Date Reported	Title	Address	SUMMARY
5/1/2020	BARKING DOG	1209 MAPLE Street	SPOKE W/OWNER- ADVISED HIM OF DOG ORDINANCES
5/1/2020	ROUTINE ACTIVITY	710 2ND AVE NE	TRAPPED CAT, TRANSPORTED TO HART
5/1/2020	FOLLOW UP	1217 K ST	DOG BITE FOLLOW UP. VICTIM CLAIMS TO NOT KNOW THE DOG.
5/2/2020	wild animal call	16608 Jacksonville Drive	red fox acting strange, informed owner this is normal behavior
5/2/2020	dog bite	S 8th & Norwood	Victim would not identify himself, no skin punctures, doesn't know whose dog it was.
5/2/2020	wild animal call	1505 S 7th Street	bear and cubs in yard.
5/3/2020	follow up	1217 K Street	Victim changed his story; he was at friend's home @ 1308 M Street when their dog bit him. Met w/dog owner, will allow quarantine in place, advised of dog ordinances
5/4/2020	neglect call	1007 1/2 Grove Street	3 cats have been abandoned removed cats, transported to hart for 10-day hold. Spoke w/probation agent, will not cite, subject has bigger issues
5/5/2020	dog at large	902 S 8 th Street	caught, transported to hart
5/11/2020	follow up	1308 M Street NE	10-day quarantine follow up.
5/12/2020	dog at large	1941 Graydon Street	goa, assume it is the Australian Shepherd at this address
5/12/2020	dog at large	307 N 5th Street	caught, transported to hart
5/13/2020	wild animal call	2 B Street NE	bear in yard. Owner advised to remove bird feeders
5/16/2020	ROUTINE ACTIVITY	1101 Pine Street	set traps
5/17/2020	routine activity	1101 Pine Street	trapped cat, transported to hart
5/18/2020	dog at large	1617 Emma Street	spoke with owners, advised of ordinances
5/18/2020	council meeting	Online	dangerous dog hearing
5/19/2020	dog bite	717 N 8th Street	Owner has, 3 dogs, no license or rabies vac. Quarantine in home. Victim is owner's sister. 4 puncture wounds on calf area of left leg
5/19/2020	ROUTINE ACTIVITY	1101 Pine Street	Cat trapped, transported to hart
5/20/2020	barking dog	620 F Street	nobody home, left card and note
5/20/2020	ROUTINE ACTIVITY	1101 Pine Street	cat tapped, transported to hart
5/20/2020	neglect complaint	324 N 8th Street	unfounded, advised owner of dog ordinances
5/21/2020	dog at large	1020 G Street NE	goa
5/23/2020	dog at large	624 F Street NE	caught, transported to hart
5/23/2020	dog at large	614 F Street NE	caught, transported to hart
5/25/2020	dog at large	1300 Norwood Street	returned to owner, advised of dog ordinances

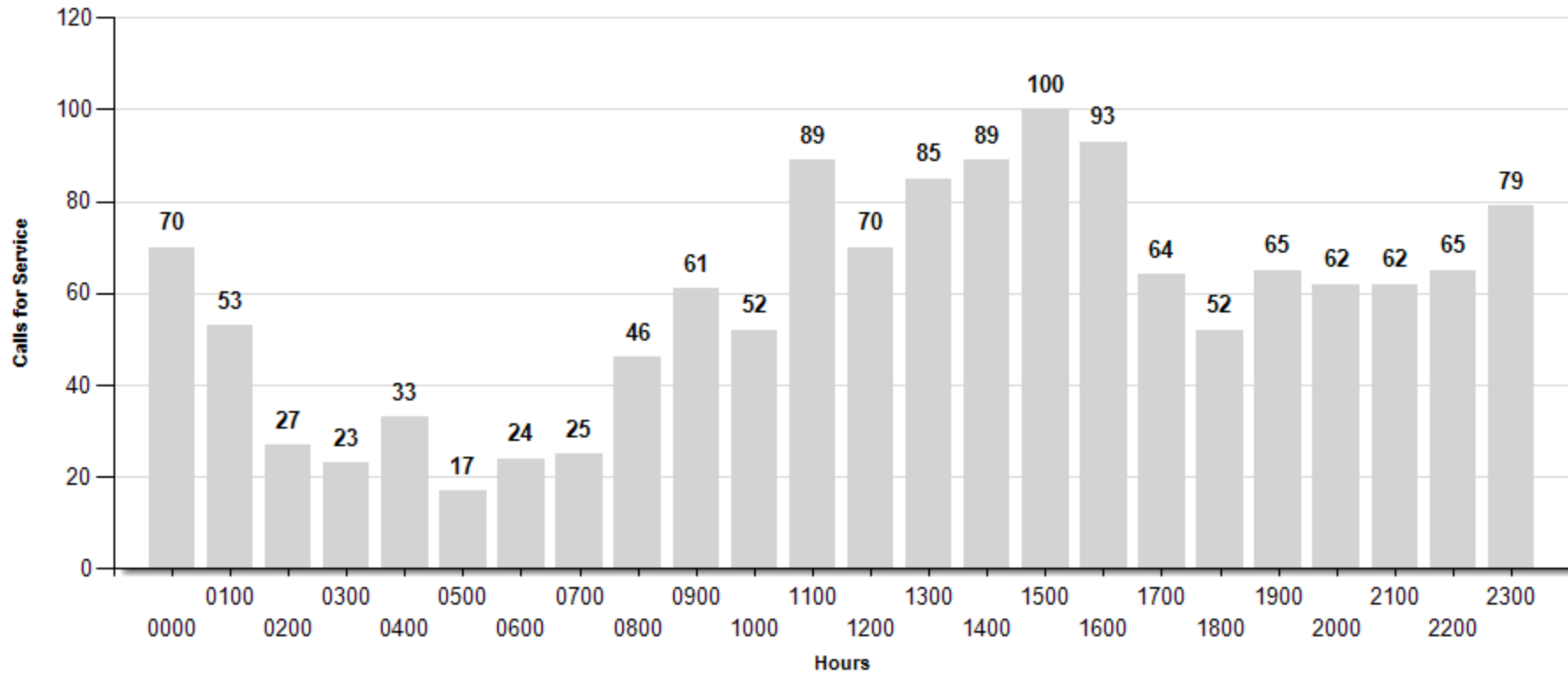
5/26/2020	dog at large	1723 Norwood Street	advised owner of dog ordinances
5/26/2020	barking dog	1226 28th Street SE	spoke w/ owner, advised of ordinances- he is moving soon
5/26/2020	BARKING DOG	111 F Street NE	nobody home, left card and note
5/27/2020	BARKING DOG	111 F Street NE	spoke w/owner, advised of ordinances
5/27/2020	cat at large	2224 S 6th Street	mother cat and 4 kittens living under deck. will leave for 2 weeks as kittens are too small to trap and won't come out when I'm there
5/28/2020	dog at large	720 S 8th Street	caught dog, returned to owner 1 block away
5/30/2020	FOLLOW UP	717 N 8th Street	10-day quarantine follow up. gave owner 7 days to provide proof of dog licenses and rabies vaccinations
5/31/2020	dog at large	Buster Dog Park	caught dog, transported to hart
5/16/2020	wild animal call	29 Kingwood Street	advised to give bear space, it will leave
5/27/20250	neglect complaint	313 N 9th Street	unfounded, advised owner of dog ordinances



Calls for Service Hourly

6/1/2020 to 6/30/2020

Total Calls: 1449



M E M O

TO: Mayor and Council

FROM: City Administrator Jennifer Bergman

DATE: July 17, 2020

RE: Resolution Accepting Donations & Contributions for 2nd Quarter 2020

Attached is a resolution accepting donations and contributions that have been made to the City of Brainerd for the period of April 1 through June 30 2020. The City is very appreciative to all who have made these contributions. The funds from the donations and contributions will be used as requested by the donor.

A resolution needs to be adopted with a two-thirds vote of the Council. The item appears on the July 20th, 2020 agenda.

If you have any questions, please don't hesitate to contact me.

\pz

Brainerd Parks and Recreation

Contributions and Donations April-June 2020

[illegible]

MEMO

TO: Connie Hillman, Finance Director
FROM: Corky McQuiston, Chief of Police
DATE: 7/15/20
RE: 2nd Quarter 2020 Donations

The Brainerd Police Department received the following donations from April – June 2020:

- | | | |
|----------------------------|---------|----------------|
| • Anonymous | \$50.00 | Thank-you card |
| • Brian & Diane McCullouch | \$25.00 | Thank-you card |

If you have any questions, please don't hesitate to contact me.

\pz

**RESOLUTION
NO. ____**

**RESOLUTION ACCEPTING DONATIONS AND/OR CONTRIBUTIONS
FROM APRIL 1, 2020 THROUGH JUNE 30, 2020**

WHEREAS, the City of Brainerd is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Sections 465.03 for the benefit of its citizens and is specifically authorized to accept gifts and bequests for the benefit of recreational service pursuant to Minnesota Statutes Section 471:17; and

WHEREAS, the following persons and entities have offered to contribute the gifts and cash sums set forth below to the City:

<u>Name of Donor</u>	<u>Amount</u>	<u>Requested Use of Donation or Contribution</u>
----------------------	---------------	--

SEE ATTACHED LIST OF DONORS

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA that all donations and/or contributions described above are hereby graciously accepted by the City of Brainerd and shall be used as requested by the donors or grant requirements.

BE IT FURTHER RESOLVED, that the City Council expresses its gratitude to the donors of the gifts.

Adopted this ____ day of July, 2020

GABE JOHNSON
President of the Council

Approved this ____ day of July, 2020

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: July 20, 2020

Title of Item: Community Member of the Month

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): Mayor Badeaux and Alderwoman Lambert	Estimated Time Needed: 2 minutes
Summary of Issue: Tammy Ebertowski has been nominated for the Community Member of the Month Award for many years of service to the Brainerd community through her volunteer service with the Mid-Minnesota Women's Center.	
Alternatives, Options, Effects on Others/Comments: Tammy makes a difference. Her great generosity has had a profound and lasting impact on domestic violence victims/survivors and children in Region 5+. Her willingness to share both her time and talent by volunteering with Mid-Minnesota Women's Center, Inc. says a lot about her as a human being. Tammy's willingness to give selflessly to help others speaks to both her strength and the quality of her character. When Tammy volunteers, she is making a commitment to share the most precious of resources – her time – to make life better for those who are in need. The fruits of her labors make a tangible impact, of course, but perhaps it is the fact that she is willing to lend a helping hand and to show genuine kindness and caring that makes the greatest difference in the lives of the individuals who are touched by her generosity. The Alex & Brandon Child Safety Center 20th Anniversary Open House is a perfect example to illustrate just how passionate Tammy is. She volunteered approximately 2,000 hours to coordinate the event which took place on December 13, 2019. Tammy invited many people to pay tribute to three amazing guests of honor: Louise Seliski (MMWC founding mother), Angie Plantenberg (Alex and Brandon's mom) and Patty Wetterling (children's advocate). Dennis Weimann, Lakeland News Director, served as the Master of Ceremonies. Media was out in full force with The Pulse broadcasting live from the Center's parking lot, The Word conducting interviews to air during the event and Lakeland TV and Brainerd Dispatch reporters were present. None of this would have been possible without our wonderful volunteer, Tammy. She has even bigger plans for 2020! While I know she chooses to volunteer selflessly and without expectation of being recognized or rewarded, it would be wonderful if we could do just that. All of us wish to let Tammy know just how much her dedication is appreciated and to make sure that everyone in the City of Brainerd is forever grateful to her. Words cannot adequately express the gratitude we wish to convey. I know I can speak for everyone at MMWC – the Board of Directors, staff, clients and residents, and me when I say all our lives are better because of Tammy. We want her to know that her selfless volunteerism is recognized, appreciated, valued and cherished every single day. We thank Tammy and look forward to continuing to work with her for many years to come!	
Recommended Action/Motion: Present Tammy Ebertowski with the Community Member of the Month Award.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



COMMUNITY MEMBER OF THE MONTH

THE BRAINERD CITY COUNCIL AWARDS

Tammy Ebertowski

For her selfless service to the Brainerd community through her many years of volunteer service with the Mid-Minnesota Women's Center

Dave Badeaux
Mayor

David Chanski
Community Development Director



Brainerd City Council Agenda Request

Requested Meeting Date: July 20, 2020

Title of Item: 2019 Audit Presentation

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Principal Mary Reedy & Finance Director Hillman	Estimated Time Needed: 10 Minutes
Summary of Issue: Ms. Mary Reedy from CliftonLarsonAllen and Finance Director Connie Hillman will summarize the results of the 2019 audit. The draft presentation is attached for you.	
Alternatives, Options, Effects on Others/Comments: An electronic copy of the audit was provided. If you would like a hard copy of the audit, please let Connie know.	
Recommended Action/Motion:	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

City of Brainerd

2019 Audit Results

Brainerd City Council

July 20, 2020

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Auditor Discussion Agenda Items

- Brainerd Public Utilities Audit Results
- Brainerd Public Utilities Financial Results
- City's Required Communication to Governance
- City's Audit Results
- City's Financial Results
- Other Discussions, Insights, Observations

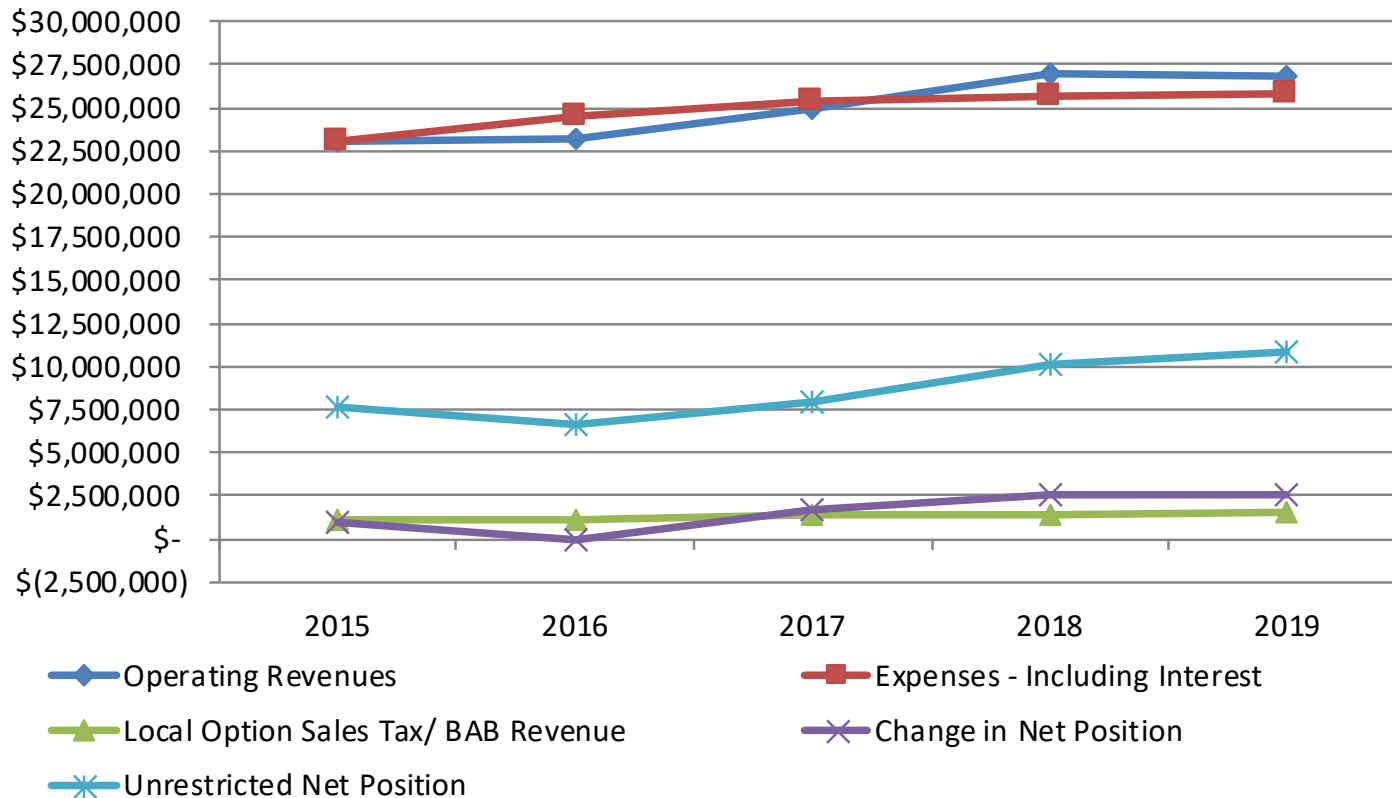


Brainerd Public Utilities Audit Results

- Clean Opinion on Financial Statements
- Internal Control – No findings noted
- Minnesota Legal Compliance – No findings noted



Brainerd Public Utilities Financial Results



	2015	2016	2017	2018	2019
Operating Revenues	\$ 23,043,883	\$ 23,236,692	\$ 24,897,715	\$ 26,952,226	\$ 26,832,882
Expenses - Including Interest	23,031,221	24,445,308	25,364,003	25,609,849	25,839,753
Local Option Sales Tax/ BAB Revenue	1,048,340	1,116,339	1,438,017	1,452,725	1,517,902
Change in Net Position	921,947	(119,548)	1,730,702	2,541,368	2,545,831
Unrestricted Net Position	7,668,149	6,612,392	7,913,981	10,145,014	10,901,077



Brainerd Public Utilities Audit Results

- Cash decreased due to an increase in purchase of capital assets
- Revenues decreased due to a decrease in usage
- BPU had a positive cash flow from operations

		2019	2018
ASSETS			
UTILITY PLANT			
In Service		\$ 108,809,369	\$ 108,063,842
Construction in Progress		627,066	666,591
Total Investment in Utility Plant		109,436,435	108,730,433
Less: Accumulated Depreciation		(45,147,688)	(44,787,356)
Net Utility Plant		64,288,747	63,943,077
RESTRICTED ASSETS			
Cash and Investments		5,406,465	5,338,512
Bonds and Notes Receivable		4,772,000	5,222,667
Notes Receivable - Interest		56,200	66,600
Total Restricted Assets		10,234,665	10,627,779
CURRENT ASSETS			
Cash and Investments		10,908,413	11,206,415
Accounts Receivable		3,405,626	3,383,214
Interest Receivable		37,033	48,089
Due from the City of Brainerd		975,282	995,640
Inventory		1,122,541	937,711
Prepaid Expenses		168,379	133,559
Total Current Assets		16,617,274	16,704,628
OTHER ASSETS			
Service Territory Acquisitions, Net of Accumulated Amortization		292,883	229,638
Total Assets		91,433,569	91,505,122
DEFERRED OUTFLOWS OF RESOURCES			
Pension Related		265,120	560,117
OPEB Related		34,174	31,901
Total Deferred Outflows of Resources		299,294	592,018
Total Assets and Deferred Outflow of Resources		\$ 91,732,863	\$ 92,097,140



Brainerd Public Utilities Audit Results

- Overall debt decreased primarily due to payment on all bonds and no new debt
- Two of the three departments reported positive change in net position; Water had a net loss of \$132,412

	2019	2018
LIABILITIES AND NET POSITION		
NET POSITION		
Net Investment in Capital Assets	\$ 31,477,317	\$ 29,174,203
Restricted	7,598,735	8,112,081
Unrestricted	10,901,077	10,145,014
Total Net Position	49,977,129	47,431,298
LONG-TERM LIABILITIES		
Electric Utility Revenue Bonds Payable	17,306,549	19,019,629
General Obligation Sewer Revenue Notes Payable	272,237	412,603
General Obligation Build America Bonds Payable	12,920,000	14,316,000
Capital Lease Payable	67,729	28,983
Compensated Absences	829,076	777,125
Net Pension Liability	2,935,780	2,956,866
Other Postemployment Benefit Obligation	339,439	346,040
Total Long-Term Liabilities	34,670,810	37,857,246
CURRENT LIABILITIES		
Accounts Payable	1,592,717	1,417,329
Electric Utility Revenue Bonds Payable	1,619,800	1,577,400
General Obligation Equipment Certificates of Indebtedness	140,367	135,367
General Obligation Sewer Revenue Notes Payable	-	-
General Obligation Build America Bonds Payable	1,396,000	1,352,000
Capital Lease Payable	30,248	23,020
Payable to City of Brainerd	653,511	376,077
Accrued Expenses		
Salaries and Withholding Taxes	184,881	152,873
Sales Taxes	82,863	87,685
Current Liabilities Payable from Restricted Assets:		
Bond Interest	291,015	348,900
Conservation Incentive Program Payable	187,391	221,484
Customer Deposits	333,281	326,030
Total Current Liabilities	6,512,074	6,018,165
Total Liabilities	41,182,884	43,875,411
DEFERRED INFLOWS OF RESOURCES		
Pension Related	565,218	790,431
OPEB Related	7,632	-
Total Net Position, Liabilities, and Deferred Inflows of Resources	\$ 91,732,863	\$ 92,097,140



Required Communication to City Council

- **Our Responsibility Under Generally Accepted Auditing Standards, *Government Auditing Standards*, and Uniform Grant Guidance**
 - Primary responsibility is to provide our opinion on the fairness of presentation of the financial statements
 - Reviewed internal accounting controls
 - Risk based audit approach
 - Based on internal controls, determined scopes and tests of transactions
 - Expressed opinion based on tests
 - Report internal controls and compliance – federal awards
- **Planned Scope and Timing of the Audit**
 - Communicated during the audit preliminary work and field work
- **Significant Accounting Policies**
 - Outlined in Note 1 to the financial statements
 - Unusual transactions – none noted
 - New Standards – GASB 84



Required Communication to City Council

- **Management Judgments and Accounting Estimates – Reasonable/Supported**
 - Useful lives of capital assets
 - Other postemployment benefits payable
 - Net pension liability and related deferred inflows/outflows of resources
- **Corrected and Uncorrected Adjustments**
 - None noted
- **Disclosures are Adequate, Clear and Complete**
- **Other Information in Documents Containing Audited Financial Statements**
 - Supplementary information – made inquiries and evaluated the content – opinion – management is responsible for this information and need to include our report if issued separately
 - Other information – reviewed for any errors – no opinion
- **Disagreements with Management**
 - There have been no disagreements with management about matters that could be significant to the financial statements
- **Management Representations**
 - We have requested certain representations from management included in the management representation letter



Required Communication to City Council

- **Consultations with Other Accountants**
 - There were no consultations with other independent accountants
- **Major Issues Discussed With Management Prior to Retention**
 - No issues, other than normal planning issues, were discussed prior to our retention as auditors
- **Difficulties Encountered in Performing the Audit**
 - Management was most cooperative and helpful
 - Personnel and records were available
- **Audits of Group Financial Statements**
 - No matters related to the group audit that we consider to be significant to the responsibilities of those charged with governance of the group
- **Limitations on the Group Audit**
 - There were no restrictions on our access to information of components or other limitations to the group audit



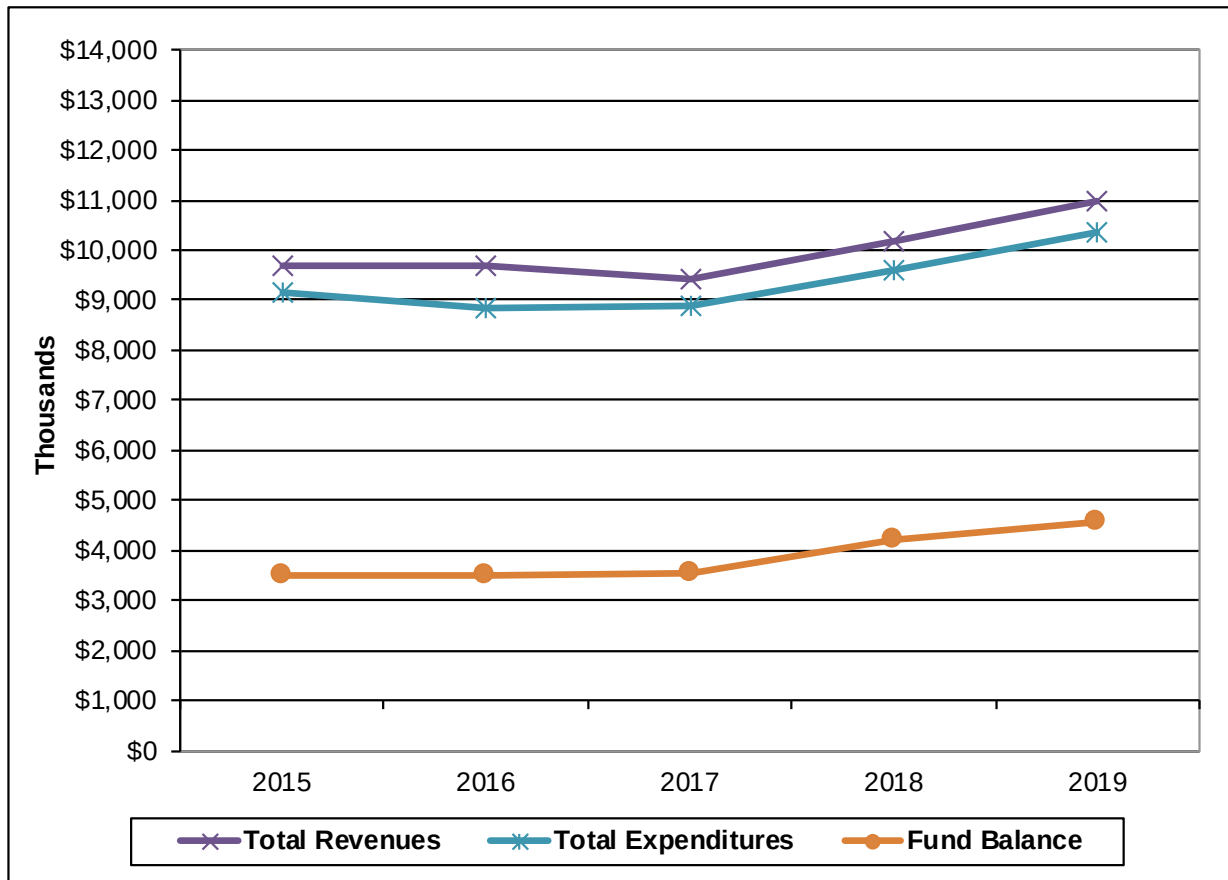
City's Audit Results

- **Unmodified Opinion (Clean)**
 - On the basic financial statement – concluded financial statements are fairly stated
- **Compliance and Internal Control Over Financial Reporting**
 - Tests did not disclose any instances of non-compliance that are required to be reported under *Government Auditing Standards*
 - No findings
- **Compliance with Requirements Applicable to Each Major Program and Internal Control Over Compliance Required by the Uniform Guidance**
 - The City complied in all material respects with the federal compliance requirements that are applicable to its major federal program
 - ◇ Highway Planning and Construction
- **Minnesota Legal Compliance**
 - Seven areas – No Findings



City's Financial Results

General, Public Safety, Street, and Park & Rec Fund Balances



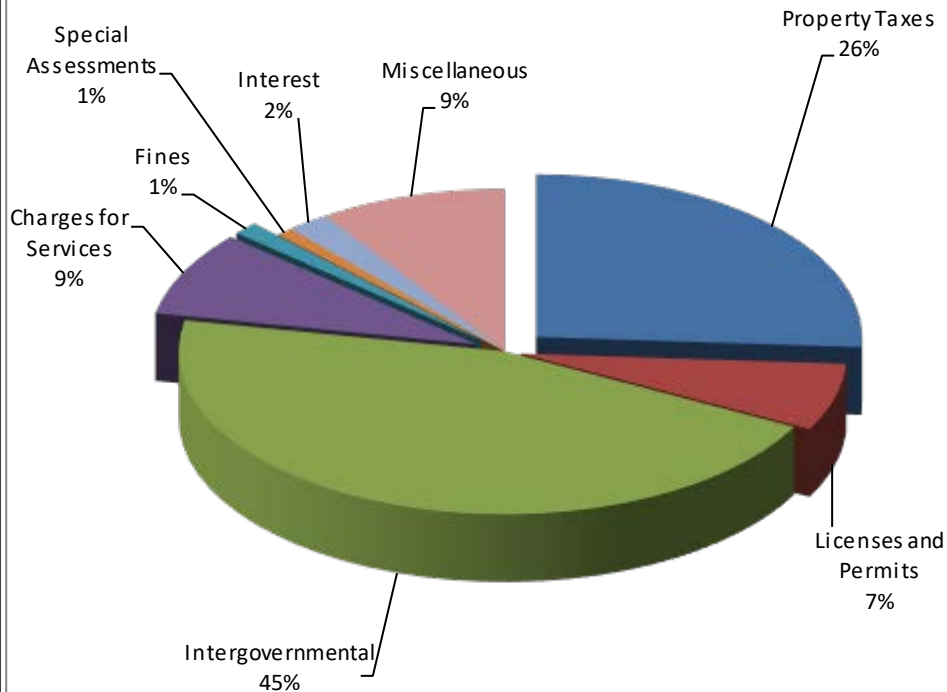
- Revenues higher than expenditures in the current year
- Fund Balance is approximately \$4,574,000, of which approximately \$4,236,000 is unassigned and can be used for operations
- Operating expenditures are approximately \$10,367,000
- Approximately 41% of the 2019 expenditures in Unassigned Fund Balance – meets goal/policy



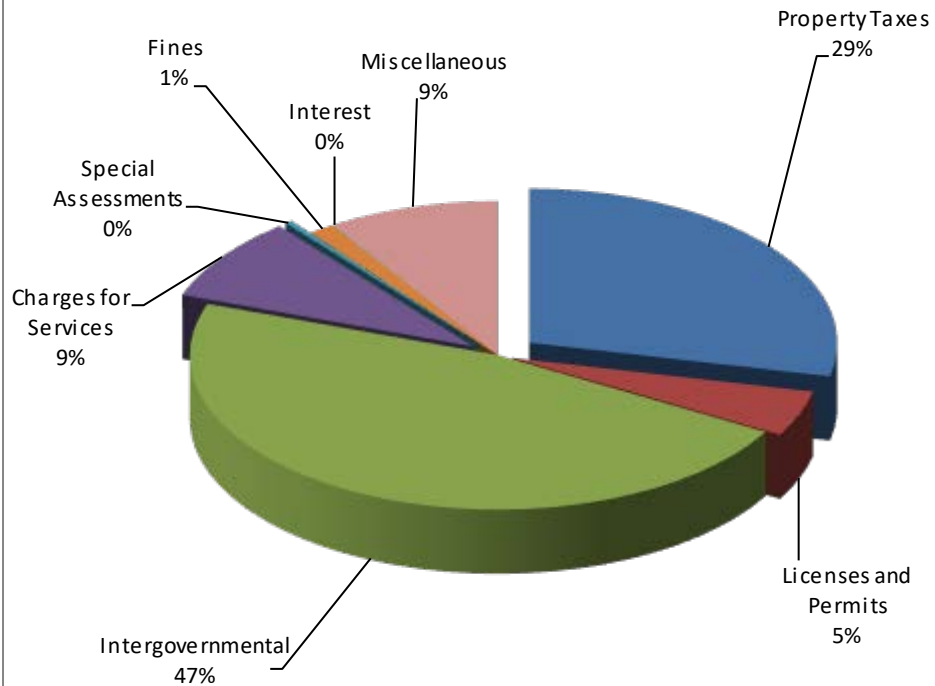
City's Financial Results

General, Public Safety, Street, and Park & Rec Funds
Revenues

Actual



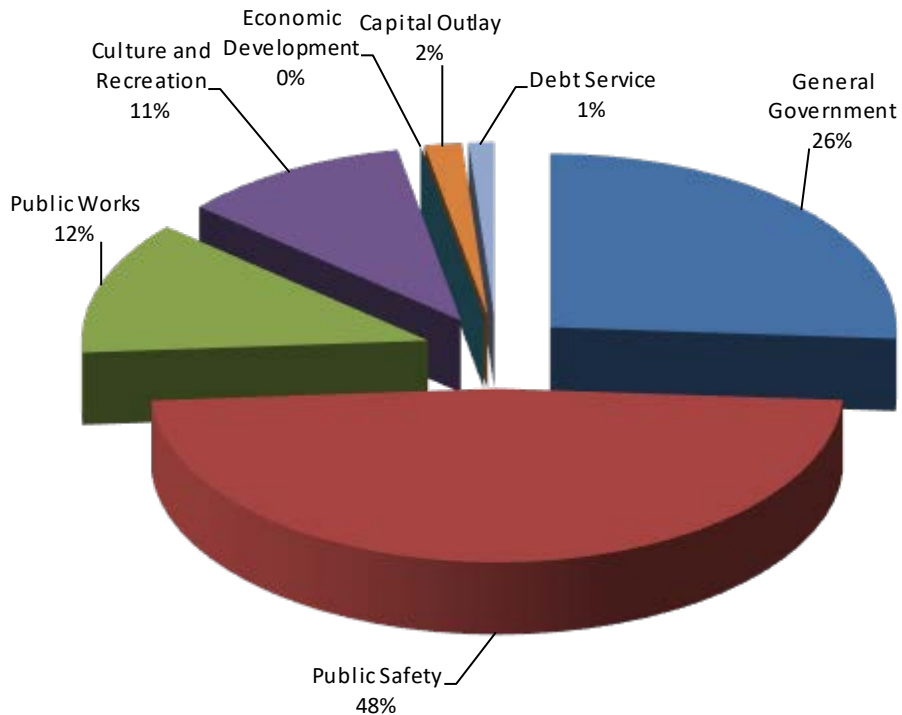
Budget



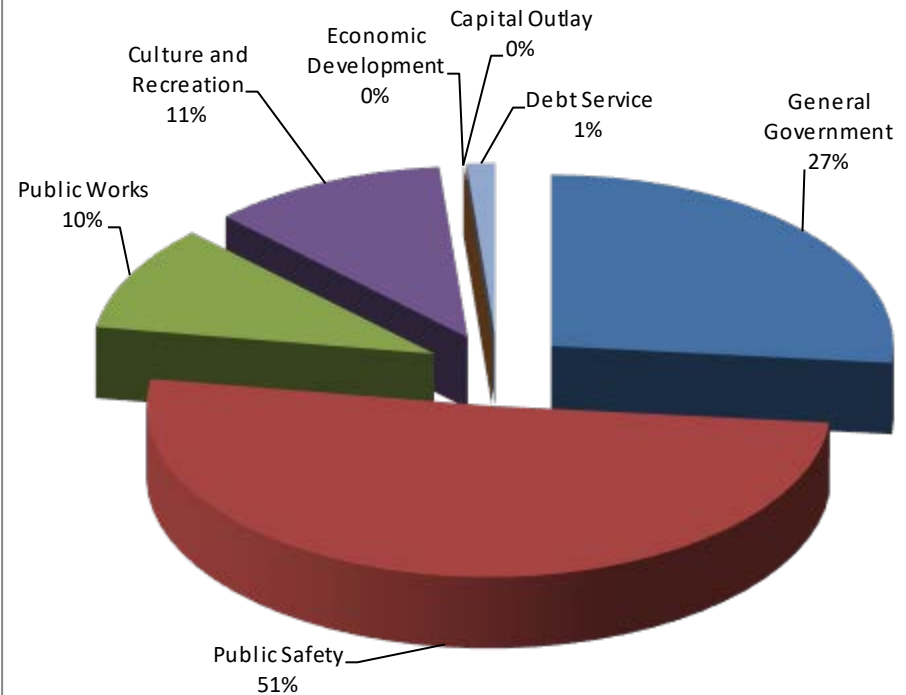
City's Financial Results

General, Public Safety, Street, and Park & Rec Funds Expenditures

Actual



Budget



City's Financial Results

	Budget	Actual	Over (Under) Budget		Budget	Actual	Over (Under) Budget
General Fund				Street and Sewer Fund			
Revenue	\$ 2,726,828	\$ 3,503,098	\$ 776,270	Revenue	\$1,011,073	\$ 1,037,578	\$ 26,505
Expenditures	2,706,061	2,728,550	22,489	Expenditures	1,021,073	1,371,218	350,145
Transfers In	-	2,256	2,256	Transfers In	10,000	274,682	264,682
Transfers Out	(20,000)	(395,627)	375,627	Transfers Out	-	-	-
Other Financing Sources/(Uses)	-	-	-	Other Financing Sources/(Uses)	-	61,932	61,932
Change in Fund Balance	767	381,177	380,410	Change in Fund Balance	-	2,974	2,974
Public Safety Fund				Total Working Funds			
Revenue	5,425,531	5,288,496	(137,035)	Revenue	10,311,585	10,975,368	663,783
Expenditures	5,193,567	5,110,735	(82,832)	Expenditures	10,068,854	10,366,702	297,848
Transfers In	-	-	-	Transfers In	10,000	276,938	266,938
Transfers Out	(231,964)	(283,964)	52,000	Transfers Out	(251,964)	(684,608)	432,644
Other Financing Sources/(Uses)	-	90,852	(90,852)	Other Financing Sources/(Uses)	-	179,401	(179,401)
Change in Fund Balance	-	(15,351)	(15,351)	Change in Fund Balance	767	380,397	379,630
Park and Recreation Fund							
Revenue	1,148,153	1,146,196	(1,957)				
Expenditures	1,148,153	1,156,199	8,046				
Transfers In	-	-	-				
Transfers Out	-	(5,017)	(5,017)				
Other Financing Sources/(Uses)	-	26,617	26,617				
Change in Fund Balance	-	11,597	11,597				



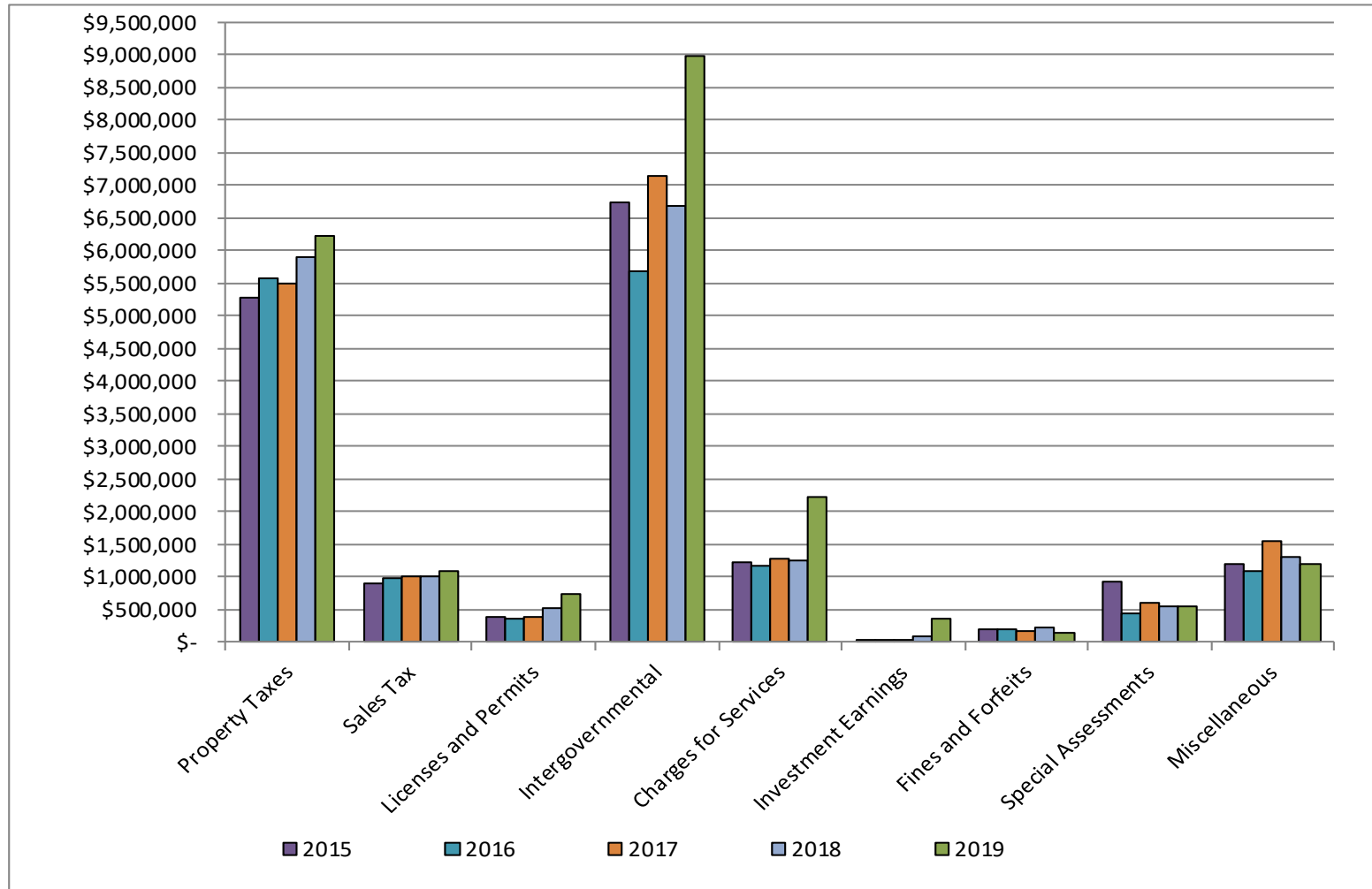
City's Financial Results

General, Public Safety, Street, and Park & Rec Funds
Days Expenditures in Unassigned Fund Balance



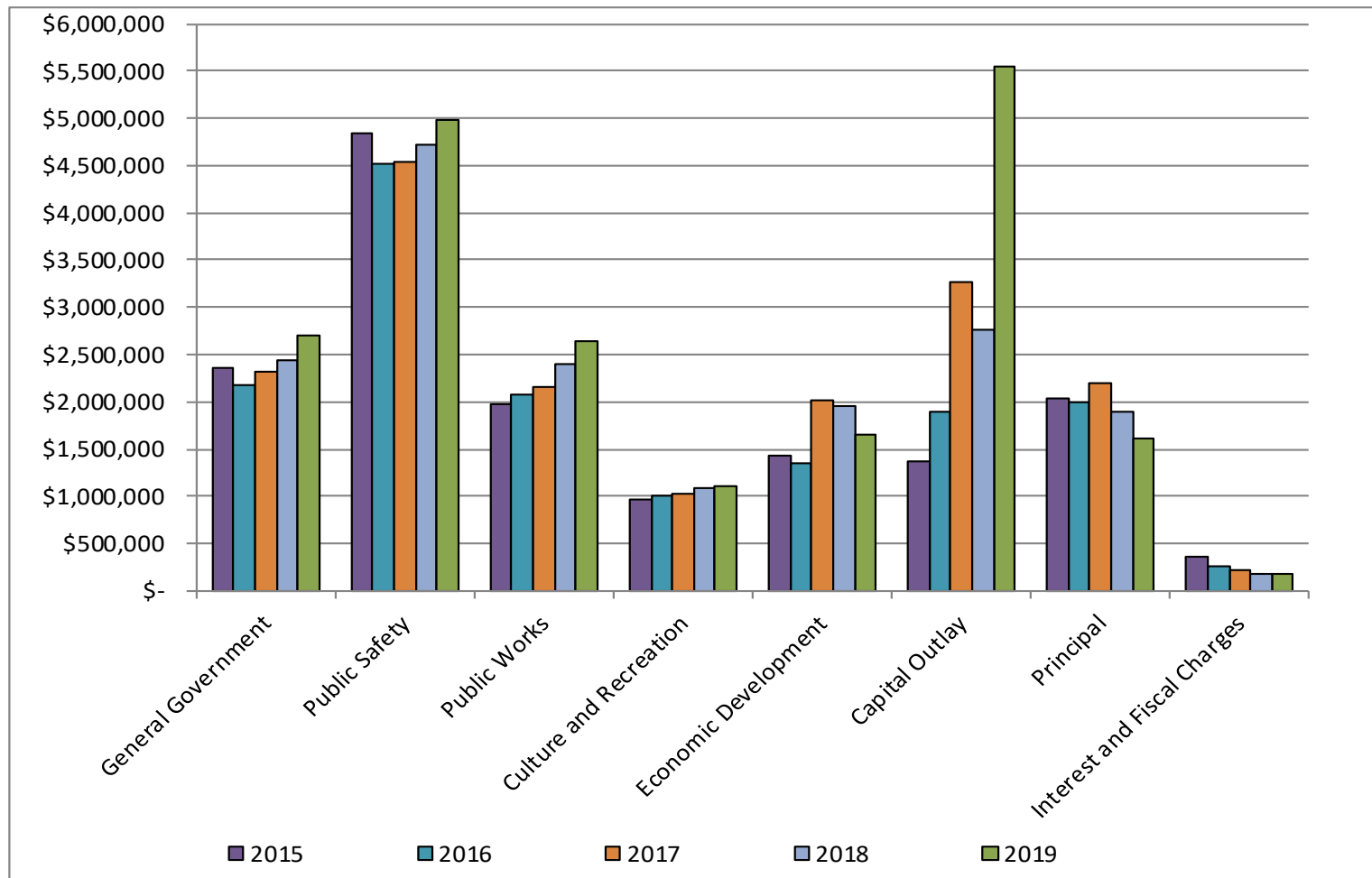
City's Financial Results

All Funds Total Revenues



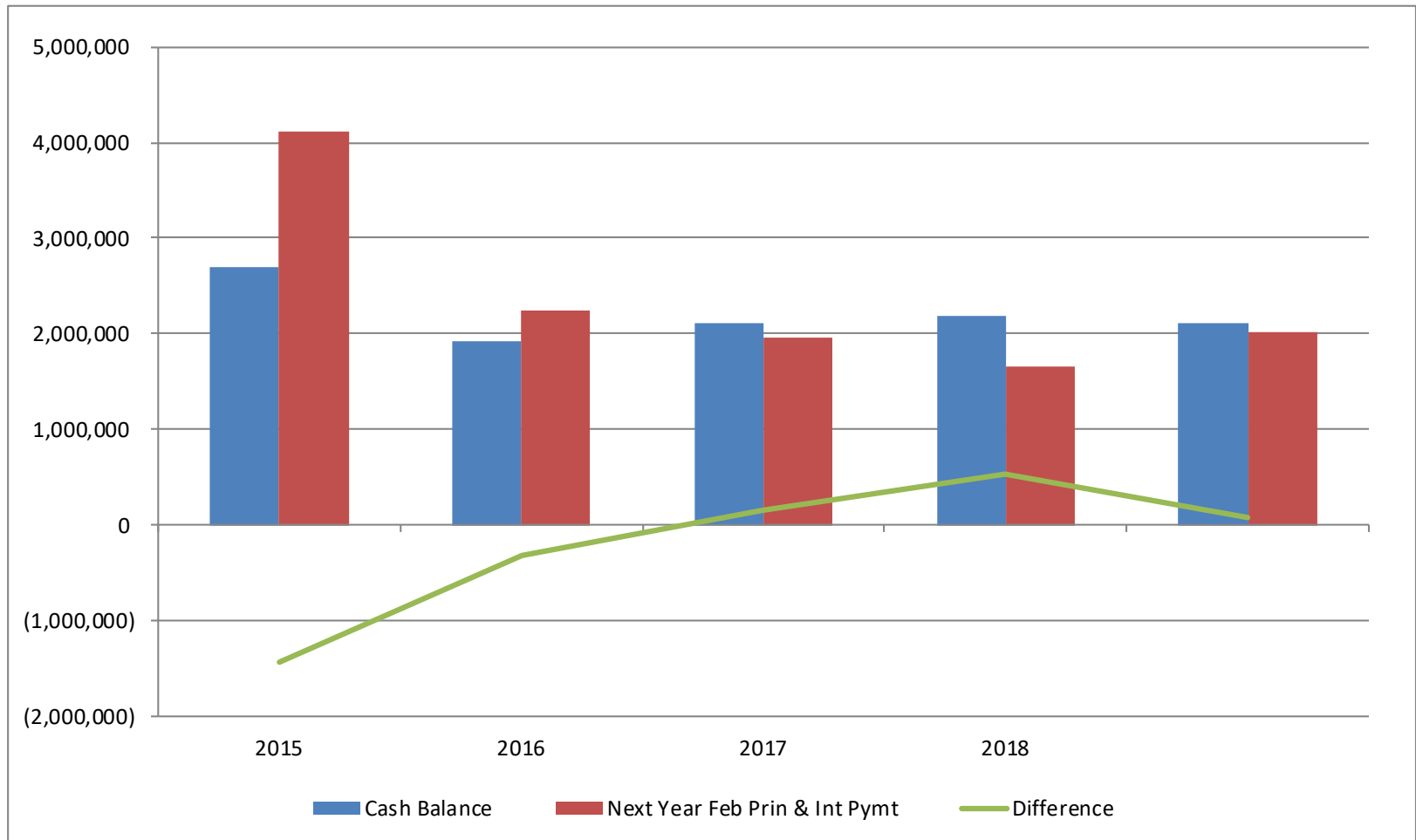
City's Financial Results

All Funds Total Expenditures



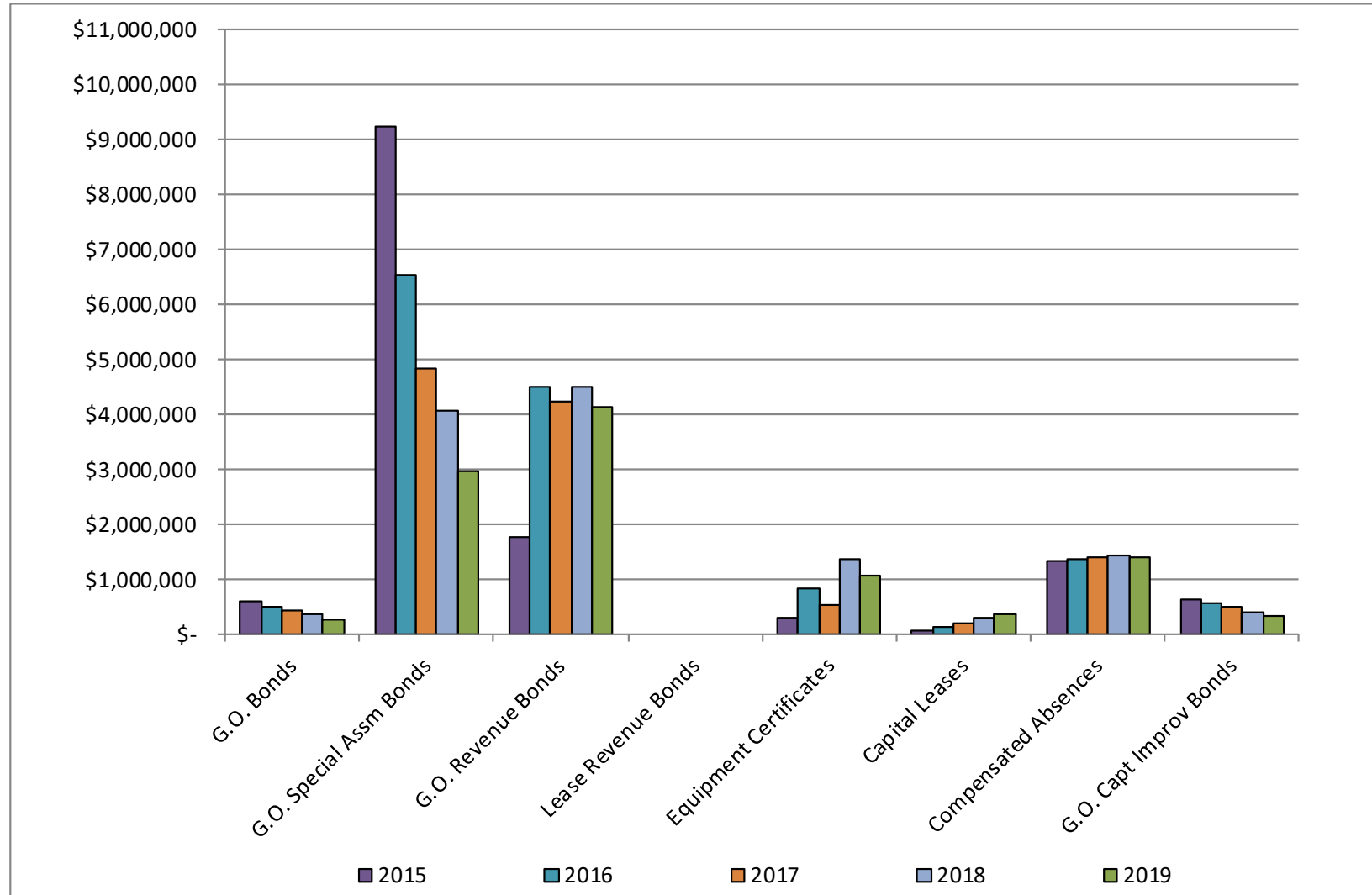
City's Financial Results

Debt Service Funds
Total Cash Available



City's Financial Results

Total City Debt



Enterprise Funds

	SANITARY SEWER COLLECTION SYSTEM	STORM SEWER FUND	TOTALS
OPERATING REVENUES			
Charges for Services	\$ 850,582	\$ 469,058	\$ 1,319,640
OPERATING EXPENSES			
Salaries and Benefits	115,842	40,199	156,041
Professional Services	23,264	-	23,264
Repairs and Maintenance	79,704	84,678	164,382
Insurance	5,035	2,518	7,553
Depreciation	476,740	249,013	725,753
Materials and Supplies	5,472	-	5,472
Miscellaneous	1,749	1,923	3,672
Total Operating Expenses	707,806	378,331	1,086,137
OPERATING INCOME (LOSS)	142,776	90,727	233,503
NONOPERATING REVENUES (EXPENSES)			
Intergovernmental	202,165	788,051	990,216
Interest Expense and Fiscal Charges	(114,322)	(5,333)	(119,655)
Total Nonoperating Revenues (Expenses)	87,843	782,718	870,561
CHANGE IN NET POSITION BEFORE TRANSFERS	230,619	873,445	1,104,064
Transfers In	130,161	-	130,161
CHANGE IN NET POSITION	360,780	873,445	1,234,225
Net Position - Beginning of Year	7,470,541	5,826,077	13,296,618
NET POSITION - END OF YEAR	\$ 7,831,321	\$ 6,699,522	\$ 14,530,843



Insights/ Observations

- Overall Audit Results are Positive
 - No findings on single audit
 - Staff conscientious and responsible
 - Staff very responsive to audit inquiries/requests
 - State Reporting Form and GFOA Certificate will be submitted timely
- Fund Balance Reserves – Operating Funds
 - Must analyze General, Public Safety, Park & Rec, and Street Funds collectively
 - Fund Balance = 41% of 2019 Annual Expenditures
 - Policy is to have 35 – 50% of Operating Expenditures
 - Policy allows Fund Balance to grow 1% per year
 - ◇ 40% last year
 - ◇ 41% this year



Insights/ Observations

- Revolving Loan Fund had negative change in fund balance
 - Continued use of funds
- Debt Service Fund has a restricted Fund Balance of approximately \$2,136,000 with expenditures of \$1,659,000
 - Fund Balance decreased due to collections being slightly less than current year payments
 - Decrease of approximately \$125,000 of special assessments; spending prepayments of special assessments
- Capital Projects Fund has an assigned Fund Balance of approximately \$3,707,000 with expenditures of \$5,280,000
 - Approximately \$2,037,000 of transfers in/taxes levied to help pay for projects
 - Intergovernmental revenues of \$2,732,000 for projects in the current year





Questions and Comments



Thank You for the Opportunity to Serve the City!

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Finance Director
City of Brainerd
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**CITY OF BRAINERD
SAFETY AND PUBLIC WORKS COMMITTEE
AGENDA**

**July 20, 2020
6:45 PM**

**WebEx Teleconference Meeting
Call Toll-Free: 844-992-4726
Access Code: 146 199 6949**

1. Improvement 20-03 – 2020 Large Patching Project Quotes
2. Organized Garbage Collection
3. H Street Cut-Across Traffic Discussion



Brainerd City Council Agenda Request

Requested Meeting Date: July 20, 2020

Title of Item: Improvement 20-03 - 2020 Large Patch Project Quotes

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached to this request is a quote from Anderson Brothers Construction of Brainerd, LLC for Improvement 20-03 - 2020 Large Patch Project.	
Alternatives, Options, Effects on Others/Comments: This quote is for 17 large patches around Brainerd where typical pothole patching has failed to work, or pothole patching is not financially or physically constructive. In these areas, we like to remove all of the existing pavement, regrade the underlying gravel and add as needed, and replace the bituminous. This typically happens on streets that are not currently in the 5-year capital improvement plan, and is mostly at alley crossings where garbage trucks tend to beat on our pavements more than other places. The quote includes the patching quote from Anderson Brothers and a small overlay on Wild Avenue that needs to be completed up in Northtown after a storm sewer improvement. Total amount of both quotes combined is \$50,000.	
Recommended Action/Motion: Staff recommends approval of both Anderson Brother's attached quotes in a total amount of \$50,000.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ 50,000 <i>Is this budgeted?</i> ☒ Yes ☐ No We budget for \$50,000 in large patching each year. <u>Please Explain:</u>	



Anderson Brothers Construction Company
 11325 State Highway 210
 Brainerd, MN 56401
 218-829-1768
 218-829-7607 Fax

To:	City Of Brainerd	Contact:	Paul Sandy
Address:	Brainerd, MN 56401	Phone:	
		Fax:	
Project Name:	City Of Brainerd Projects	Bid Number:	
Project Location:	Various	Bid Date:	6/2/2020

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
14-05 Stonebridge					
2021.501	Mobilization	1.00	LS	\$1,171.05	\$1,171.05
2232.501	Mill Bit Surface/Clean Etc.	1.00	LS	\$2,159.04	\$2,159.04
2357.502	Tack	493.00	GAL	\$2.10	\$1,035.30
2506.516	Casting Assembly	6.00	EACH	\$210.00	\$1,260.00
2360.502	Bituminous Leveling Course SPNWA230B	281.00	TON	\$77.35	\$21,735.35
2360.501	Bituminous Wear Course SPWEA230B	644.00	TON	\$68.00	\$43,792.00
Total Price for above 14-05 Stonebridge Items:					\$71,152.74

Wild Ave

2021.501	Mobilization	1.00	LS	\$1,800.00	\$1,800.00
2232.501	Mill Bit Surface/Clean Etc.	1.00	LS	\$1,200.00	\$1,200.00
2357.502	Tack	30.00	GAL	\$2.10	\$63.00
2360.501	Bituminous Wear Course SPWEA230B	35.00	TON	\$68.00	\$2,380.00
Total Price for above Wild Ave Items:					\$5,443.00

Total Bid Price: \$76,595.74

Notes:

- These Quotes Are not tied
- All is priced per unit of measure listed



Brainerd City Council Agenda Request

Requested Meeting Date: July 20, 2020

Title of Item: Organized Garbage Collection

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): David Chanski, CDD	Estimated Time Needed: 15 minutes
Summary of Issue: During the July 6 meeting of the City Council, staff was directed to further investigate issues associated with the placement of garbage cans for collection as well as the possibility of pursuing organized garbage collection. Ultimately, it was determined that regulating the time period during which garbage cans can be placed at the curb for collection is ineffective if it is not actively enforced. Unfortunately, due to the number of licensed garbage collectors in the City, all with various routes and pick-up times, enforcement is virtually impossible without the implementation of organized collection.	
Alternatives, Options, Effects on Others/Comments: The process by which a municipality can pursue organized garbage collection is regulated by Minnesota State Statute 115A.94. In short, municipalities may pursue organized collection, but there is a detailed process that must be followed and, once a governing body has elected to enact organized collection, it cannot go into effect for 6 months. Minnesota State Statute 155A.94 as well as a short summary of what the organized collection process looks like are attached. Staff will walk the Council through the process and provide an estimated timeline for such a process should it be pursued.	
Recommended Action/Motion: Staff is seeking direction whether to continue with the organized garbage collection process, pursue other avenues, or maintain status quo.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

115A.94 ORGANIZED COLLECTION.

Subdivision 1. **Definition.** "Organized collection" means a system for collecting solid waste in which a specified collector, or a member of an organization of collectors, is authorized to collect from a defined geographic service area or areas some or all of the solid waste that is released by generators for collection.

Subd. 2. **Local authority.** A city or town may organize collection, after public notification and hearing as required in subdivisions 4a to 4f. A county may organize collection as provided in subdivision 5. A city or town that has organized collection as of May 1, 2013, is exempt from subdivisions 4a to 4f.

Subd. 3. **General provisions.** (a) The local government unit may organize collection as a municipal service or by ordinance, franchise, license, negotiated or bidden contract, or other means, using one or more collectors or an organization of collectors.

(b) The local government unit may not establish or administer organized collection in a manner that impairs the preservation and development of recycling and markets for recyclable materials. The local government unit shall exempt recyclable materials from organized collection upon a showing by the generator or collector that the materials are or will be separated from mixed municipal solid waste by the generator, separately collected, and delivered for reuse in their original form or for use in a manufacturing process.

(c) The local government unit shall invite and employ the assistance of interested persons, including persons licensed to operate solid waste collection services in the local government unit, in developing plans and proposals for organized collection and in establishing the organized collection system.

(d) Organized collection accomplished by contract or as a municipal service may include a requirement that all or any portion of the solid waste, except (1) recyclable materials and (2) materials that are processed at a resource recovery facility at the capacity in operation at the time that the requirement is imposed, be delivered to a waste facility identified by the local government unit. In a district or county where a resource recovery facility has been designated by ordinance under section 115A.86, organized collection must conform to the requirements of the designation ordinance.

Subd. 4. [Repealed, 2013 c 45 s 7]

Subd. 4a. **Committee establishment.** (a) Before implementing an ordinance, franchise, license, contract, or other means of organizing collection, a city or town, by resolution of the governing body, must establish a solid waste collection options committee to identify, examine, and evaluate various methods of solid waste collection. The governing body shall appoint the committee members.

(b) The solid waste collection options committee is subject to chapter 13D.

Subd. 4b. **Committee duties.** The committee established under subdivision 4a shall:

(1) determine which methods of solid waste collection to examine, which must include:

(i) the existing system of collection;

(ii) a system in which a single collector collects solid waste from all sections of a city or town; and

(iii) a system in which multiple collectors, either singly or as members of an organization of collectors, collect solid waste from different sections of a city or town;

(2) establish a list of criteria on which the solid waste collection methods selected for examination will be evaluated, which may include: costs to residential subscribers, impacts on residential subscribers' ability

to choose a provider of solid waste service based on the desired level of service, costs and other factors, the impact of miles driven on city streets and alleys and the incremental impact of miles driven by collection vehicles, initial and operating costs to the city of implementing the solid waste collection system, providing incentives for waste reduction, impacts on solid waste collectors, and other physical, economic, fiscal, social, environmental, and aesthetic impacts;

(3) collect information regarding the operation and efficacy of existing methods of solid waste collection in other cities and towns;

(4) seek input from, at a minimum:

(i) the governing body of the city or town;

(ii) the local official of the city or town responsible for solid waste issues;

(iii) persons currently licensed to operate solid waste collection and recycling services in the city or town; and

(iv) residents of the city or town who currently pay for residential solid waste collection services; and

(5) issue a report on the committee's research, findings, and any recommendations to the governing body of the city or town.

Subd. 4c. Governing body; implementation. The governing body of the city or town shall consider the report and recommendations of the solid waste collection options committee. The governing body must provide public notice and hold at least one public hearing before deciding whether to implement organized collection. Organized collection may begin no sooner than six months after the effective date of the decision of the governing body of the city or town to implement organized collection.

Subd. 4d. Participating collectors proposal; requirement. Before establishing a committee under subdivision 4a to consider organizing residential solid waste collection, a city or town with more than one licensed collector must notify the public and all licensed collectors in the community. The city or town must provide a period of at least 60 days in which meetings and negotiations shall occur exclusively between licensed collectors and the city or town to develop a proposal in which interested licensed collectors, as members of an organization of collectors, collect solid waste from designated sections of the city or town. The proposal shall include identified city or town priorities, including issues related to zone creation, traffic, safety, environmental performance, service provided, and price, and shall reflect existing haulers maintaining their respective market share of business as determined by each hauler's average customer count during the six months prior to the commencement of the exclusive negotiation period. If an existing hauler opts to be excluded from the proposal, the city may allocate their customers proportionally based on market share to the participating collectors who choose to negotiate. The initial organized collection agreement executed under this subdivision must be for seven years. Upon execution of an agreement between the participating licensed collectors and city or town, the city or town shall establish organized collection through appropriate local controls and is not required to fulfill the requirements of subdivisions 4a, 4b, and 4c, except that the governing body must provide the public notification and hearing required under subdivision 4c.

Subd. 4e. Parties to meet and confer. Before the exclusive meetings and negotiations under subdivision 4d, participating licensed collectors and elected officials of the city or town must meet and confer regarding waste collection issues, including but not limited to road deterioration, public safety, pricing mechanisms, and contractual considerations unique to organized collection.

Subd. 4f. **Joint liability limited.** Notwithstanding section 604.02, an organized collection agreement must not obligate a participating licensed collector for damages to third parties solely caused by another participating licensed collector. The organized collection agreement may include joint obligations for actions that are undertaken by all the participating licensed collectors under this section.

Subd. 5. **Counties; organized collection.** (a) A county may by ordinance require cities and towns within the county to organize collection. Organized collection ordinances of counties may:

- (1) require cities and towns to require the separation and separate collection of recyclable materials;
- (2) specify the material to be separated; and
- (3) require cities and towns to meet any performance standards for source separation that are contained in the county solid waste plan.

(b) A county may itself organize collection under subdivisions 4a to 4f in any city or town that does not comply with a county organized collection ordinance adopted under this subdivision, and the county may implement, as part of its organized collection, the source separation program and performance standards required by its organized collection ordinance.

Subd. 6. **Organized collection not required or prevented.** (a) The authority granted in this section to organize solid waste collection is optional and is in addition to authority to govern solid waste collection granted by other law.

(b) Except as provided in subdivision 5, a city, town, or county is not:

- (1) required to organize collection; or
- (2) prevented from organizing collection of solid waste or recyclable material.

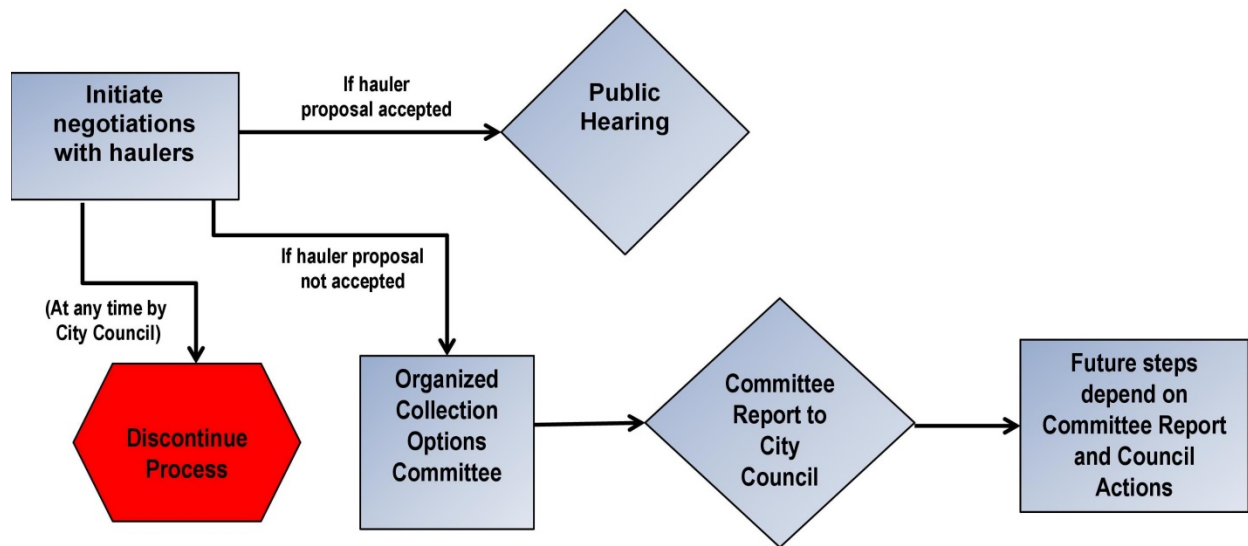
(c) Except as provided in subdivision 5, a city, town, or county may exercise any authority granted by any other law, including a home rule charter, to govern collection of solid waste.

Subd. 7. **Anticompetitive conduct.** (a) A political subdivision that organizes collection under this section is authorized to engage in anticompetitive conduct to the extent necessary to plan and implement its chosen organized collection system and is immune from liability under state laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

(b) An organization of solid waste collectors, an individual collector, and their officers, members, employees, and agents who cooperate with a political subdivision that organizes collection under this section are authorized to engage in anticompetitive conduct to the extent necessary to plan and implement the organized collection system, provided that the political subdivision actively supervises the participation of each entity. An organization, entity, or person covered by this paragraph is immune from liability under state law relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

History: 1987 c 348 s 27; 1989 c 325 s 26,27; 1990 c 600 s 1,2; 1991 c 337 s 46; 1993 c 249 s 20,21; 2013 c 45 s 1-6; 2018 c 177 s 1-8

Organized Collection Process Flow Chart



Minnesota's Organized Collection Process

The process of changing from open hauling to organized collection of solid waste is controversial. The operational efficiencies and other system advantages of having one hauler per route are factors that lead cities to pursue an organized collection system.

The Minnesota Organized Collection Statute (M.S. 115A.94, Subd. 4d) explicitly states that cities may use other authorities in addition to the process specified in the Organized Collection Statute. Cities that have recently been successful in organizing or renewing their solid waste systems have used a combination of the process in the Organized Collection Statute and traditional procurement approaches such as requests for proposals (RFPs). See the Organized Collection Statute at <https://www.revisor.mn.gov/statutes/?id=115A.94>

Negotiated Consortium Approach

Municipalities may negotiate with current licensed haulers under the procedures specified within the Organized Collection Statute. The first step in this process is to invite all current licensed haulers to participate in negotiations with the municipality for a period of at least 60 days. A primary objective of this step is to give each licensed hauler a chance to participate in the negotiated process. Selected examples of cities that have successfully used the negotiated consortium approach as of 2015 include:

- ◆ Champlain
- ◆ Elk River
- ◆ Little Canada
- ◆ Maplewood
- ◆ Minneapolis
- ◆ Saint Anthony Village
- ◆ Sauk Rapids
- ◆ Vadnais Heights

Each City will have unique characteristics and priorities that should be anticipated in planning for the organized collection process. To be successful, this process requires careful planning, coordination and execution by municipalities and their current licensed haulers.

Table 1 itemizes the pros and cons of the negotiated consortium approach.

Table 1
Negotiated Consortia Approach: Pros and Cons

Pros	Cons
◆ If a consortium is formed, it gives each licensed hauler the voluntary option to join and maintain current market share. Haulers have ability to remain whole. ◆ Respects (some of) the value of each hauler's business. ◆ Can result in competitive pricing if City is effective in price negotiations. ◆ Helps avoid the perception of predatory pricing by larger hauling companies within RFP procurement approaches.	◆ Difficult to determine market share at any specific date in time. ◆ Negotiating a fair and competitive price may be difficult. ◆ Some tendency for cities to extend with incumbent Contractor rather than go out for RFP reduces leverage to help assure prices remain competitive. ◆ More administratively complex compared to a standard RFP process; requires additional City staff time. ◆ Some municipalities may not be well equipped to actively supervise development of new consortia and negotiate new contracts. ◆ Limited to current licensed haulers only; does not allow new companies to enter in the market or for current haulers to grow.

Request for Proposal (RFP) Approach

A number of more familiar procurement approaches are also available to municipalities to establish a new single contract or multiple set of contracts, including the request for proposals (RFP) method. Minnesota law, rules and other guidance documents provide clear direction and standard procedures to employ RFPs to procure professional services. An RFP can be planned to run in conjunction with the negotiated consortium approach. For example, after rejecting a hauler proposal a City Council may authorize an RFP for solid waste services.

Procurement guidance is also available from national governmental trade organizations such as the NIGP: the Institute for Public Procurement, including specialized training such as its three-day course:

“Developing and Managing Requests for Proposals in the Public Sector”
<http://www.nigp.org/eweb/StartPage.aspx?Site=NIGP&webcode=pd-38-ep-ot-cd>

In the case of changing to organized solid waste collection, there are at least two potential RFP approaches. One is based on geographic “contract zones” with the intent of procuring multiple contracts. The second is a citywide approach with the intent of securing a single contract. A combination or hybrid of both approaches can be planned within a single RFP process. For example, a City could structure its RFP with one proposal option for a single contract and another proposal option for contract zones.

Under a “contract zones” approach, a City could divide the service area into zones, for example five zones – one for each day of the week. The RFP could then include stipulations that any one respondent

could not receive more than a selected number of zones. This assures contracts are awarded to multiple haulers, preserving hauler diversity.

The RFP can be formulated so teams of smaller haulers could compete more effectively with larger companies. Other procurement strategies can be incorporated in the RFP to encourage competitive proposals and “level the playing field.” Table 2 itemizes the pros and cons of the RFP approach.

Table 2
RFP Approach: Pros and Cons

Pros	Cons
◆ Uses the private marketplace to help municipalities establish competitive pricing. ◆ All eligible companies are allowed to respond; the process is not exclusive to currently licensed haulers. Allows new companies to compete in the market. ◆ Authority, laws, rules and process well established. Guidelines for best practices in RFP development and subsequent contract management are known as standards within government procurement. ◆ Requires clear, well written standards of performance, including customer service.	◆ Profit margins may shrink which could threaten the survivability of less stable hauling companies. ◆ Municipalities are reluctant to use RFPs on a regular basis; some cities have a tendency to extend contracts instead. ◆ Incumbent hauler has advantage; difficult to totally level the playing field to reduce this advantage.

Developed by foth.com of Lake Elmo, MN for MPCA and MN GreenStep Cities. Comments welcomed via <http://greenstep.pca.state.mn.us/contact.cfm>



Brainerd City Council Agenda Request

Requested Meeting Date: July 20, 2020

Title of Item: H Street Cut-Across Traffic Discussion

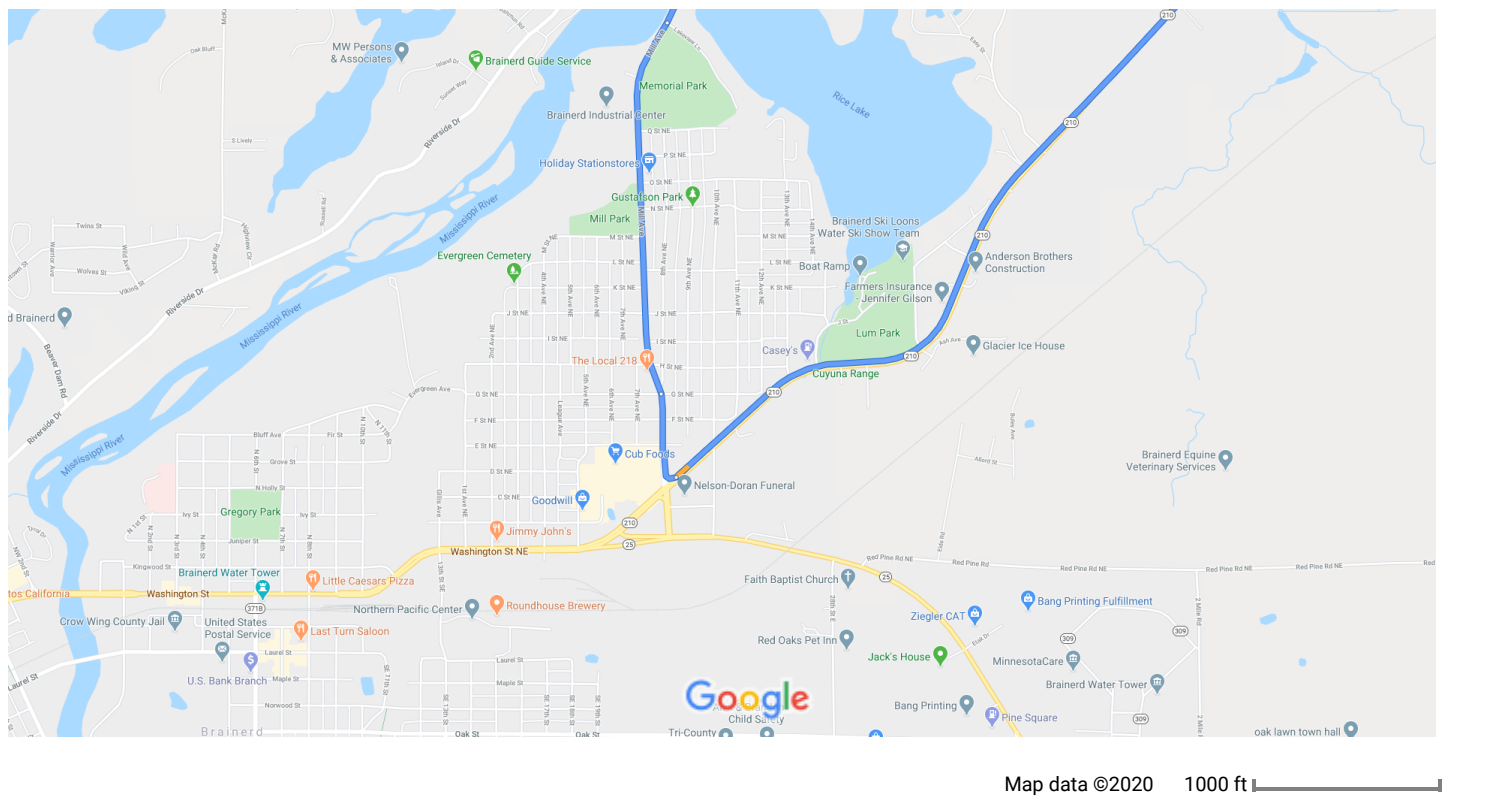
☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☒ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Mayor Badeaux	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 10 Minutes
Summary of Issue: Mayor Badeaux has reported many near misses, along with many complaints he gets about large commercial vehicles and high speeds on H Street between Mill Avenue and 13th Avenue NE. This is a prime location for traffic to cut across and not utilize Highway 210 due to the more direct route between these two locations and the ability to avoid the long stop light at Mill Avenue and Highway 210. Google Maps also promotes the use of this route due to the quicker travel times, in which staff has tried addressing this issue with Google to no avail.	
Alternatives, Options, Effects on Others/Comments: Staff would like to discuss alternatives to resolving this issue, and also what alternatives the SPW committee would prefer to research/implement to try and reduce the issues of cutting across using this street. Staff thought that the reconstruction and narrowing of the street would help assist this issue and slow traffic, but there doesn't appear to be a change in driver behavior after the project. Some of the options include trying to slow down the route by inclusion of stop signs so Google maps no longer promotes this route, and it may discourage drivers from utilizing it. However, there may be unintended consequences of stop signs including increased crash rates and non-compliance, which creates its own sets of issues. Other less intrusive options include other signage including "Not a Truck Route", "No Through Traffic", or other signs in which may help to instruct drivers or commercial vehicles not to use the road as a through route.	
Recommended Action/Motion: Staff would like discussion and direction from the committee and council on this issue.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

Google Maps

Crosby, MN to Merrifield, MN

Drive 21.1 miles, 25 min

Crosby to Merrifield Route



	via MN-210 W and Co Rd 3	25 min
	Fastest route, the usual traffic	21.1 miles
	via Co Rd 19	26 min
		21.0 miles

Explore Merrifield

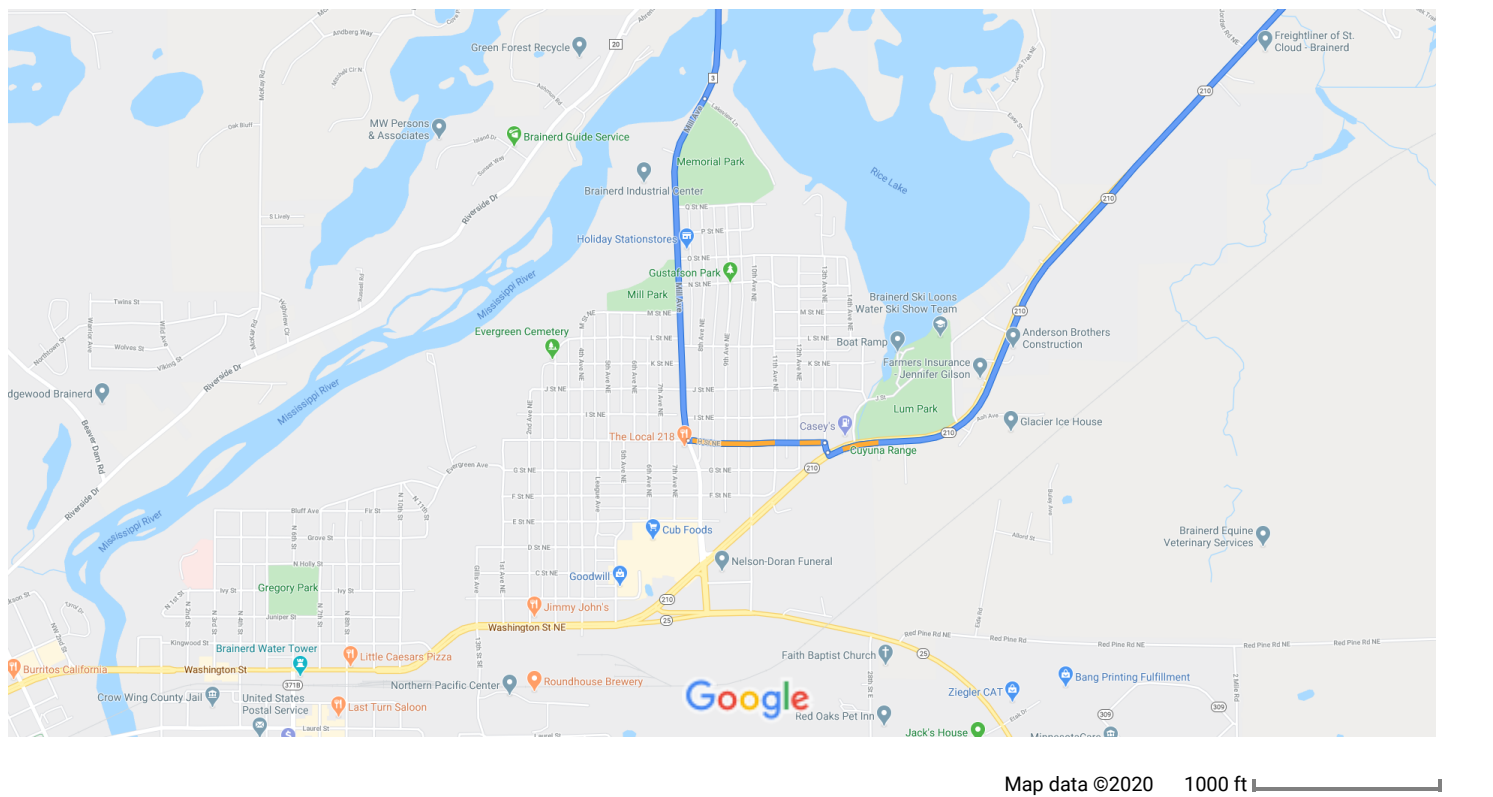
- Groceries
- Hotels
- Gas stations
- Parking Lots
- More

Google Maps

Merrifield, MN to Crosby, MN

Drive 20.8 miles, 26 min

Google Maps Travelling Merrifield to Crosby



- via Co Rd 3 and MN-210 E

Fastest route, the usual traffic

26 min

20.8 miles
- via Co Rd 19

26 min

21.0 miles

Explore Crosby

Groceries

Hotels

Gas stations

Parking Lots

More



**NO
SEMI
TRUCKS**

**CITY OF BRAINERD
PERSONNEL AND FINANCE COMMITTEE
AGENDA**

**July 20, 2020
7:00 PM**

**WebEx Teleconference Meeting
Call Toll-Free: 844-992-4726
Access Code: 146 670 1913**

1. Approval of Bills
2. Discussion of Lakes Area Media Collaborative
3. School Resource Officer Contract Amount for 2019-2020 School Year
4. Street Department Employee Resignation
5. Request for Proposal for 2020 Audit Services



Brainerd City Council Agenda Request

Requested Meeting Date: July 20, 2020

Title of Item: Discussion on Lakes Area Media Collaborative

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☒ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Shawn Strong	Department: IT/GIS
Presenter (Name & Title): Shawn Strong, IT/GIS Director	Estimated Time Needed: 10 min
Summary of Issue: As of 7/16 we have not heard back from Lakes Area Media Collaboration regarding status of equipment or a request for a copy of any contract that may exist. Based on past council minutes the agreement appears to have been only a funding request approved by a motion - staff has not found any record of a formal contract. Staff is recommending that we end any agreements with Lakes Media so that we can make better progress towards providing reliable access to city meetings for as many citizens as possible. The council chambers A/V installation by Digital Horizons was underway 7/16. They have not received the other equipment needed from Lakes Media to complete the 2nd floor conference room so that completion date is unknown but they will complete what they can during the week of 7/20.	
Alternatives, Options, Effects on Others/Comments: Staff plans to continue taking the necessary actions to re-establish streaming and recording meetings to the internet as quickly as possible. Direction is sought whether we should draft an RFP to seek another provider for similar services, explore what we could accomplish with existing staff, or some combination/hybrid of both provider and staff. A webex has been scheduled (7/22) with Charter to discuss the process to re-implement the PEG channel. Also discussing logistics with CTC for how we could provide a video feed to them to broadcast on cable.	
Recommended Action/Motion: Formally discontinue funding for Lakes Media and direct staff to either draft an RFP to seek another provider of similar services using some portion of the franchise fees or explore internal possibilities with existing staff. If an internal staff option is determined to not be feasible then we would recommend an RFP.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i> Possible costs = hardware and labor to finish A/V installs. Any new expenses for a new provider would be same or less than current and would be approved by Council before incurring.	

Alderman Nesheim stated this will benefit the City in long run.

MOVED AND SECONDED BY ALDERMEN O'DAY AND OLSON, DULY CARRIED, TO APPROVE THE CHANGE TO THE PUBLIC UTILITIES CONTRIBUTION POLICY AS PRESENTED.

Public, Educational, and Governmental Channel Programming Expansion – Presentation.

Mr. Steve Augustinack, Lakes Media Collaborative, stated their mission is to focus on building up TV production capabilities to create educational opportunity for all ages. He stated they are building a collaboration working with school districts, Central Lakes College and their associated universities, Charter Communications, Lakeland Public Television, radio stations, newspapers and magazines, CTC and Nextera, Chamber, United Way, churches and service organizations, cities, county, and State, and members of community that will be watching and providing programs. He presented a video showing the variety of benefits from this collaboration. He stated public access television is TV for and by the community. He thanked the Council for the opportunity to share their vision. He stated in the proposal that was provided to the Council is the question of supporting this vision and the resources they need.

The Chair asked if outside of support is there anything specific they are looking for the Council to act on. Mr. Augustinack noted that funding is addressed in the information provided.

MOVED AND SECONDED BY ALDERMEN OLSON AND NESHEIM, DULY CARRIED, TO REFER THE FUNDING REQUEST TO THE PERSONNEL AND FINANCE COMMITTEE FOR THE MEETING TO BE HELD ON TUESDAY, FEBRUARY 22.

Public Hearing – Final Reading Ordinance No. 1254 - An Ordinance Granting a Franchise to CCV III operating L.L.C. d/b/a Charter Communications to Construct, Operate, and Maintain a Cable Communications System in the City of Brainerd and Rules Governing the Operation of Same – Approved.

MOVED AND SECONDED BY ALDERMEN KOEP AND NESHEIM, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1254 – AN ORDINANCE GRANTING A FRANCHISE TO CCV III OPERATING LLC D/B/A CHARTER COMMUNICATIONS TO CONSTRUCT, OPERATE, AND MAINTAIN A CABLE COMMUNICATIONS SYSTEM IN THE CITY OF BRAINERD AND RULES GOVERNING THE OPERATION OF SAME – FURTHER TO DISPENSE WITH THE ACTUAL READING.

Alderman Koep asked to have a brief synopsis of what is being discussed for the public. City Administrator Vogt stated this is the franchise agreement for Charter Communications. He stated the current franchise agreement was adopted approximately 7-8 years ago and was a fifteen-year agreement. He stated the agreement under this Ordinance would extend the agreement for fifteen-years from March 1, 2005, which is the same date as CTC and Nextera, so all three franchises go for fifteen-years. He noted the Ordinance will be published via summary ordinance and the full Ordinance will be posted at the Library and available at the Administration Office for public viewing.

The Chair opened the public hearing at 7:48 P.M. and asked if anyone wished to comment.

PERSONNEL AND FINANCE COMMITTEE AGENDA

February 22, 2005

Brainerd City Hall

Conference Room

6:00 P.M.

1. Public, Educational, and Governmental Channel Programming Expansion – Presentation on Funding Request-(See Attachment).
2. 2005 Budget Amendment – Amend Account #101-49200-5510 (Land Capital) in the Amount of \$210,850 for the Ahlm Property Payment – Approval of – (See Attachment).
3. Application for Deferment of Assessment – Ms. Paulette Williams – Approval of - (See Attachment and Consent Calendar No. 4E.)
4. Increase CSO's Duties to Include Seeking out Nuisance Properties – Discussion of.
5. Appointment of Park/Arena Maintenance Position – Mr. Jason Lyons - \$17.23/hour per Union Contract – (See Attachment).
6. 2006 Fire Contract Calculations – (See Attachment).
7. City Garage – (See Attachment).
 - A. Expenses – Appraisal.
 - B. \$4,100 Pollution Payment.
 - C. Expiration Date – Railroad Lease.
8. City Owned Land West Front Street – Payment – Rent of Land – (See Attachment).
9. Payment to CAM – Civic Center – (See Attachment).
10. Old Fire Station/Senior Center (City Hall Annex) Meeting Room Improvements – Discussion of – (See Attachment).
11. Other.

Summary of Proposal to Brainerd City Council For the LAKES Media Collaborative

Who: LAKES Media Collaborative

What: LAKES is a 501c3 focused on enhancing community communications and learning opportunities for all ages by coordinating resources from a number of area partners.

Why: To improve communications within (*or with*) our community. Imagine the possibilities that the city will have with this visually powerful media to inform citizens and get them involved.

Where: LAKES studios will primarily be located in the Brainerd High School.

When: LAKES target date - June 2005 (within 90 days of when funding is available).

How: LAKES is dependent on coordinating with key partners that can contribute a share of the resources needed to build quality communications in our community.

- ◆ College and School Systems
 - Use of existing production equipment and technology
 - Access to studio, office and production facilities
 - Opportunity to work with teachers, staff and students
- ◆ Cities and Counties
 - Strong local communications is key to a healthy community
 - Community TV is a high municipal priority in many Minnesota cities
 - Franchise fees collected from municipal Cable TV providers are most often the primary funding source for community TV
- ◆ Existing Media Providers
 - Provide expertise and resources for quality programming
 - Mentor students to help build career skills
 - LAKES will be coordination point for all 3 Cable TV providers
- ◆ Community Members –
 - Give local people and organizations an effective media to tell their stories
 - Offer opportunities to work side by side with students as citizens perform, produce and promote local programs
 - Evaluate current programming and share input for future programs

Use of Funds: Regarding the use of funds, we have researched similar community TV operations and we anticipate our cost structures as follows:

- Production and Operation Cost - 65%
- Maintenance and Repairs - 20%
- Supplies and Consumables - 15%

Conclusion: The LAKES Media Collaborative is built on an integral contribution from each partner. The franchise fees are a key element in the success of building **Quality Community Television** for our citizens.

February 7, 2005

LAKES Media Collaborative Proposal

This proposal is to establish a 501c3 non-profit collaborative in the Brainerd Lakes Area that coordinates public access television along with other media communication formats in the lakes area. LAKES is an acronym for Lakes Area Keeping Education Strong and our primary focus is to further the educational opportunities for viewers and production staff of all ages. The collaboration will be between formal educational institutions like school districts, colleges and universities, the media that already exists in the area, and a wide variety of non-profit, for-profit and public sector organizations.

Public Access Community Television has been an important tool in many communities through out our country. Our federal government established laws that require cable TV providers to offer at least one "PEG" channel in areas were they offer cable TV services. PEG is an acronym for Public Access, Education, and Government related programming. As program offerings increase, Cable providers often separate out more channels for each of the areas. Currently in the Brainerd Lakes Area, Charter Communications offers Channel 15 for Education and Channel 8 for Public Access and Government programming.

Keys to Success

- Provide value to our customer by producing and delivering interesting, thought-provoking or entertaining programs and content.
- Build a true collaboration between education and the public, private and non-profits sectors.
- Develop a funding model that is sustainable and fiscally responsible.
- Maintain our Focus on Educating students of all ages to produce, perform and promote quality programming.

During initial discussions with many individual and organizations in our area, there has been strong interest in this concept. As we have listened to our community the following benefits have been identified.

1. Coverage of more local events

- Citizens of all ages enjoy seeing their family, friends and familiar faces on programs and especially enjoy more local interest stories.
- Many local events could be captured like festivals, symposiums, parades, community activities, government meetings, church programs,...

2. Give local people and organizations an effective media to tell their stories.

- Public-access television offers a wonderful opportunity for education of residents, cable coverage of government meetings, and programming of academic, artistic and athletic events from school districts, private schools, colleges and universities.
- Residents can exchange information on many topics including health care, the environment, public safety, consumer topics, and child care, as well as governmental issues.

3. Enhance Lakes Area Economic Development

- This is a Healthy Technology Community initiative that can enhance economic development through more accessible communications, networking and infrastructure for non-profits, private and public sector organizations.
- With new fiber telecommunications technology, we can help schools, businesses and others explore new innovative ways to educate and communicate in the Brainerd Lakes Area.

4. **Provide Cost-Effective and More Efficient Services**

- The Brainerd Lakes Area is about to have multiple providers of cable TV services so having one collaborative that would coordinate all the Public Access, Education and Government programming can bring real efficiencies. Costs and therefore subscriber rates can be kept lower by allowing the cable providers to focus on their core competence - delivering video signals to their customers...not producing content.

5. **Provide great learning opportunities for students of all ages.**

- Community members will have new opportunities to work side by side with students. Whether you're learning by viewing some of our programming or become active in producing, performing or promoting the programs we produce, there is a lot of information and knowledge to be shared or skills to be developed.

In an article viewed on the Indianapolis Community TV web site, it was said “ **Public access television is TV for and by the community. Local. Independent. Non-discriminatory. Open. The New Town Square.**”

The principal players include Jerry Walseth who has been working with community leaders to develop a vision for stronger community communications. Steve Augustinack would provide technology and organizational leadership and Dave Henschke who has built an outstanding TV Production program that we plan to expand as we develop the LAKES Media Collaborative.

The financial plan will build sustainability by working closely with local government to establish consistent funding set forth by the FCC. We will also work with local organizations on membership and sponsorship programs as well as grant and fundraising activities. By working closely with and leveraging the resources of ISD181, CLC, and other organizations we expect keep our initial budget needs low. In future years we plan to expand the budget as driven by the needs and opportunities that present themselves.

Investing in LAKES Media Collaborative is investing in our Community. Specifically, the community will receive a more powerful visual medium to help us better understand what our city needs to share with us. TV programs that help “tell the story” as neighborhood associations or city officials want to communicate their vision. Think about the ways we might promote economic development and public safety or get the public excited about what’s happening in our community.

Many communities through out Minnesota have established Community TV programs and use the franchise fees that are outlined in the FCC Public Access guidelines. Our local cities currently collect a portion of the allowed franchise fees permitted by Federal law. We are requesting that the city either 1) reallocate the existing portion of the franchise fees or 2) collect the remaining portion of the franchise fees for support of our LAKES Media Community TV initiative.

Many people in the Brainerd Lakes area that have heard about LAKES have expressed a strong interest in viewing or producing programs on Community TV. So in cooperation with our Chamber, Community Action, and others we are planning a Community TV Visioning Session in March that will help gather input and further refine our vision.

LAKES vision of managing public access TV in the Brainerd Lakes Area is one of accountability, high utilization and quality through community outreach and support services for nonprofit organizations, long-term viability, and fiscal responsibility.

City Engineer's Report.

City Engineer Hulsether stated he has nothing to report.

City Planner's Report.

City Planner Ostgarden stated he has nothing to report.

Police Chief's Report.

Police Chief Bolduc stated the first five day blood drive for the City of Brainerd will be the battle of the badges between the Police Department and the Fire Department from February 28 to March 4. He encouraged citizens to come to the Armory to donate blood.

Finance Director's Report.

Finance Director Goble stated the Council has received the January 2005 report in their packet and she will be providing a more detailed budget to actual report on a quarterly basis. She stated she is also pleased to announce that the City's 2003 audit has received the Certificate of Achievement for Excellence in Financial Reporting for the 11th year in a row.

Fire Chief's Report.

Fire Chief Underhill stated they want the public to get out and donate blood and hopes people take time to do this.

Council Committee Reports.

Personnel and Finance Committee.

Public, Educational, and Governmental Channel Programming Expansion – Informational and Motion Supporting Project.

Alderman O'Day stated the information received from the LAKES Media Collaborative in the packet is in depth on what is being requested. He stated they are looking at using the City's franchise fees and approaching Baxter about their franchise fees to offer more programming. He stated their current budget is \$70-80,000 but they will be coming back with a smaller version and are looking to start in June. He stated the City doesn't have anything budgeted at this time for this project therefore they are waiting until March 7 to find a way to finance this.

MOVED AND SECONDED BY ALDERMEN O'DAY AND FISHER, DULY CARRIED, RESOLVING THE COUNCIL'S SUPPORT OF THIS PROJECT.

Alderman Koep stated she would like to make sure what plans are being made to make this truly inclusive. She stated there are always people in a community who are always in the news. She stated she doesn't want this to be something just for units of government as this can give everyone the opportunity to voice their concerns. She stated she will not support using public

money for something that isn't all inclusive.

Alderman Olson stated this is a worthwhile program and franchise fees are to be used for things like this. He stated this year the City will be using the revenues from franchise fees to offset other expenses. He suggested that they get private funding to help and would like to look at the budget to "scrape up" some funds for them. He stated the City can't fund it now, but the Committee is supportive.

2005 Budget Amendment – Amend Account #101-49200-5510 (Land Capital) in the Amount of \$210,850 for the Ahlm Property Payment – Approved.

MOVED AND SECONDED BY ALDERMEN O'DAY AND FISHER, DULY CARRIED, TO APPROVE THE 2005 BUDGET AMENDMENT TO ACCOUNT #101-49200-5510 (LAND CAPITAL) IN THE AMOUNT OF \$210,850 FOR THE AHLM PROPERTY PAYMENT.

Deferment of Assessment - Resolution No. 06:05 Adopted.

MOVED AND SECONDED BY ALDERMEN O'DAY AND FISHER TO ADOPT RESOLUTION NO. 06:04 RAISING THE PROPERTY MARKET VALUATION IN RESOLUTION NO. 25:99 FROM \$60,000 TO \$100,000.

Resolution No. 06:05

Upon roll call all members voted "aye". The Chair declared the motion carried.

Increase CSO's Duties to Include Seeking out Nuisance Properties – Tabled to March 21, 2005.

Alderman O'Day stated this was tabled to March 21, 2005.

Appointment of Park/Arena Maintenance Position – Mr. Jason Lyons - \$17.23/hour per Union Contract – Approved.

MOVED AND SECONDED BY ALDERMEN O'DAY AND FISHER, DULY CARRIED, TO CONCUR WITH THE PARK BOARD AND APPROVE THE APPOINTMENT OF MR. JASON LYONS TO THE POSITION OF PARK/ARENA MAINTENANCE EFFECTIVE FEBRUARY 23, 2005 AT A RATE OF \$17.23/HOUR.

2006 Fire Contract Calculations – Approve Presentation of Scenario Two.

Alderman O'Day stated the Personnel and Finance Committee had a special meeting on February 8 to discuss this. He stated in the Agenda packet was information from other cities on their contract calculations. He stated those other cities do not take out tax exempt property or disqualify it from total market value. He continued that the Committee has agreed that when staff meets with the Fire Advisory Board, they will address scenario two in which they take the tax exempt value and include it in total market value. He stated this is a reduction for the City of Brainerd.

Funding Request from LAKES Media Collaborative for Public, Educational, Government Channel Programming Extension – Approved.

MOVED AND SECONDED BY ALDERMEN O'DAY AND FISHER, DULY CARRIED, TO APPROVE THE FUNDING REQUEST FROM LAKES MEDIA COLLABORATIVE IN THE AMOUNT OF \$21,120 WITH FUNDS COMING FROM THE GENERAL FUND RESERVES TO BE PLACED IN THE GENERAL UNALLOCATED MISCELLANEOUS ACCOUNT AS A BUDGET AMENDMENT.

Alderman O'Day stated it is not in the budget this year to take the funding from the franchise fees.

Alderman Koep asked what the franchise fees are being used for this year. City Administrator Vogt stated the amount received in franchise fees (\$51,342.17) was placed into the general fund and there are expenses that will be using that.

Alderman Koep asked what will be received in franchise fees with the two new franchises. City Administrator Vogt stated it will be approximately the same depending on the fees of the two new franchises since the franchise fee is based on sales.

Alderman Koep asked if this funding request is a one year commitment. Alderman O'Day stated it is one year and noted that Baxter is committing their 3% franchise fee and are looking at raising their franchise fees. He stated the increase in franchise fees will be on the April 4, 2005 Personnel and Finance Committee agenda.

Alderman Olson stated this funding will not hurt the overall finances of the City and this is a worthwhile programming. He stated LAKES Media Collaborative will make a request from the Council next year.

Personnel and Finance Committee.

Cable TV Franchise Fee Increase – Resolution No. 18:05 Adopted.

MOVED AND SECONDED BY ALDERMEN O'DAY AND FISHER TO ADOPT RESOLUTION NO. 18:05 AMENDING CABLE TELEVISION FRANCHISE FEES INCREASING THEM FROM 3% TO 5% EFFECTIVE 01/01/2006.

Resolution No. 18:05

Upon roll call, members Goedker, Fisher, Koep, O'Day, Olson, Nesheim, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

MOVED AND SECONDED BY ALDERMEN O'DAY AND OLSON, DULY CARRIED, TO DEDICATE 3/5 OF THE 5% FRANCHISE FEE TO LAKES MEDIA COLLABORATIVE BEGINNING IN 2006.

Lakes Media Collaborative - Franchise Fees

Fee Year	% Fee	% to LAMC	LAMC	
3/2005			21,120.00	(General Fund)
2005	3%	60%	55,660.21	
2006	3%	60%	52,022.80	ck 028401
2007	3%	60%	52,473.71	ck 033950
2008	3%	50%	54,280.54	ck 039067
2009	5%	50%	56,941.43	ck 043862
2010	5%	50%	59,493.62	ck 048416
2011	5%	50%	59,325.80	ck 053015
2012	5%	50%	59,398.93	ck 058403
2013	5%	50%	62,062.23	ck 062349
2014	5%	50%	62,958.54	ck 066964
2015	5%	50%	64,324.81	ck 071031
2016	5%	50%	66,720.54	ck 075248
2017	5%	50%	65,989.54	ck 079121
2018	5%	50%	66,317.57	ck 082841
2019				
2020				
			859,090.27	



Brainerd City Council Agenda Request

Requested Meeting Date: July 20, 2020

Title of Item: SRO Contract Amount for 2019-2020 School Year

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman & Police Chief McQuiston	Estimated Time Needed: 5 Minutes
Summary of Issue: The City is contracted by the ISD 181 to provide a school resource officer (SRO). The contract amount for the 2019-2020 school year is \$75,000. The City billed the school district in June for half of the contract amount. Staff was contacted by the school asking if the City would consider a reduction to the 2019-2020 school year due to school not being in session as a result of COVID-19. Staff reviewed the agreement (attached) and feel that a reduction to the contract for the 2019-2020 school year would be appropriate based on the language in Section 2.	
Alternatives, Options, Effects on Others/Comments: When the schools were closed, the officer schedule as the SRO was re-assigned as a patrol officer. Staff feels that since the employee's duties substantially changed from being SRO to a patrol officer, the City would be allowed to use COVID Relief Funds (CRF) for the officer's wage and benefits from March 16, 2020 to the end of May. Even with the schools closed, the SRO did report to the school occasionally - i.e. supply drop off days, etc. Couple of options to calculate the reduction: $\$75,000 / 9 = \$8,333.33 * 2.5 \text{ months} = \$20,833.33.$ $\$75,000 / 173 \text{ days} = \$433.53 \text{ per day} * 48 \text{ school days scheduled from } 3/16-5/22/2020 = \$20,809.$ Since the SRO was at school when needed, and for simplicity, staff recommends round the reduction to \$20,000.	
Recommended Action/Motion: Authorize staff to reduce the school resource officer contract amount with ISD 181 for the 2019-2020 school year by \$20,000 and use COVID relief funds to reimburse the City for the school resource officer's wages from 3/16-5/23/2020 as a result of the school resource officer's duties changing due to COVID-19.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>20,000 less officer's wage.</u> <i>Is this budgeted?</i> ☒ Yes ☐ No The revenue was budgeted. <i>Please Explain:</i>	

**Contract for School Resource Officer
Between the
City of Brainerd
and
Independent School District No. 181, Brainerd, Minnesota**

THIS CONTRACT, made and entered into this 17th day of September, 2019, by and between the City of Brainerd, hereinafter referred to as the ("City"), and Independent School District No. 181, Brainerd, Minnesota, hereafter referred to as the ("District"), is entered into under Minnesota law.

WHEREAS, the District has the management, jurisdiction, and control of Brainerd Public Schools, at all sites ("School"), situated within the City; and

WHEREAS, the District has the implied power to provide for the protection of life and property at the School; and

WHEREAS, the City has the power to provide for the protection of life and property within the City; and

WHEREAS, it has been determined that it is in the public interest to have additional protection furnished to the School above that which is presently being furnished by the City under its general obligation to provide protection;

NOW, THEREFORE, the District and the City do hereby agree and contract as follows:

1) PURPOSE

This Contract is to address the need for the presence of one law enforcement School Resource Officer ("SRO") to be assigned by the Chief of Police to work in and around the School. The SRO will provide instruction and law enforcement school liaison services to the District as set forth in this Contract.

2) SERVICES PROVIDED

The services of at least one full-time duly certified police officer of the Police Department of the City shall be furnished by the City to the School **eight (8) hours** of each day beginning the first day of the regular school year through the last day of the regular school year, **excepting the days when students are not in attendance for up to 173 days** per school year.

It shall be the primary function of each SRO, while on duty at the School, to take reasonable steps and employ lawful and accepted police measures for the protection of life and property of the School.

3) OFFICER EMPLOYED BY THE CITY

Each such SRO shall, while on duty at the School, remain at all times under the direct control and supervision of the Chief of Police of the City and shall in no sense be considered an employee of the District. The Chief of Police shall, in supervising each such SRO, confer with the administration of the School as to the manner in which such SRO shall, in any given circumstance, perform the functions assigned. The Police Chief will confer with District Administration on the selection of each such SRO assigned to the School.

The City shall furnish each such SRO with all necessary police equipment, including a cell phone and an automobile when needed in the judgment of the Chief of Police, to enable the proper performance of the duties assigned under this Contract. At least one SRO shall, while on duty at the School, be stationed full-time on the campus of the School, and shall devote the entire time performing the duties assigned.

The City shall provide workers' compensation coverage for each such SRO.

4) INDEMNIFICATION AND INSURANCE

The City agrees to indemnify and hold harmless the District for actions and representations made by its assigned SRO which occur in the performance of the terms of this Contract or their employment duties, and the results thereof, to the extent authorized by law.

During the term of this Contract, the City shall, at its own expense, maintain an insurance policy that shall be endorsed to add the District as additional insureds with respect to liability for bodily injury, property damage, or personal injury caused in whole or in part by the acts or omissions of the City. Evidence of procurement of the insurance policy shall be provided to the District on a yearly basis.

5) STUDENT DATA PRIVACY

The City and District agree to abide by the Minnesota Government Data Practices Act ("MGDPA"), as well as any other applicable federal, state, and local laws and ordinances. The District will share information and records with the SRO in accordance with applicable law, and both parties agree that all data collected, created, received, maintained, or disseminated pursuant to this Contract will be done in accordance with the MGDPA.

6) DURATION AND COST

The amount to be paid to the City in full payment for all services furnished by the City pursuant to this Contract shall be as follows:

2019-20	\$75,000
2020-21	\$76,500

Payment of the annual amounts will be evenly divided and paid in December and June of each year.

The annual cost shall be prorated to a daily cost based on 173 school days in the academic year. This daily rate shall be used as a base rate for additional contracted time which may be agreed to by the parties hereto.

The initial term of this Contract shall be the 2019-20 and 2020-21 school years and shall automatically renew each school year thereafter, unless terminated pursuant to the procedure herein provided. This Contract may be terminated at any time by mutual consent of the parties hereto, and it shall be terminated not less than thirty (30) days following the presentation of written notice by either party to the other contracting party.

IN WITNESS WHEREOF, this Contract has been executed by the duly authorized officers of the respective parties this 17th day of September, 2019.

CITY OF BRAINERD

By

Mayor

By

City Administrator

INDEPENDENT SCHOOL DISTRICT
NO. 181, BRAINERD, MINNESOTA

By

Chairperson

By

Clerk

INDEPENDENT SCHOOL DISTRICT NO 181
Approved 2019-2020 Calendar

	S	M	T	W	TH	F	S		In Session	Paid Legal Holidays	Workshop
Aug	25	26	27	28	29	30	31	Workshop 8/26-8/29			3.5
Sep	1	2	3	4	5	6	7	Labor Day 9/2	4	1	
	8	9	10	11	12	13	14		5		
	15	16	17	18	19	20	21		5		
	22	23	24	25	26	27	28		5		
	29	30							1		
									20		
Oct			1	2	3	4	5		4		
	6	7	8	9	10	11	12		5		
	13	14	15	16	17	18	19	EM Conference 10/17-18	3		1
	20	21	22	23	24	25	26		5		
	27	28	29	30	31				4		
									21		
Nov						1	2		1		
	3	4	5	6	7	8	9		5		
	10	11	12	13	14	15	16		5		
	17	18	19	20	21	22	23	End of 1st Trimester (57 days)	5		
	24	25	26	27	28	29	30	Thanksgiving 11/28-29	3	2	
									19		1
Dec	1	2	3	4	5	6	7	Inservice 12/2	4		
	8	9	10	11	12	13	14		5		
	15	16	17	18	19	20	21		5		
	22	23	24	25	26	27	28	Christmas Break 12/23- 1/1	0		
	29	30	31						0		
									14		
Jan				1	2	3	4		2		
	5	6	7	8	9	10	11		5		
	12	13	14	15	16	17	18	End of 1st Semester (86 days)	5		
	19	20	21	22	23	24	25	Inservice 1/20	4		1
	26	27	28	29	30	31			5		
									21		
Feb							1				
	2	3	4	5	6	7	8		5		
	9	10	11	12	13	14	15		5		
	16	17	18	19	20	21	22	President's Day	4		
	23	24	25	26	27	28	29	End of 2nd Trimester (57 days)	5		
									19		
Mar	1	2	3	4	5	6	7		5		
	8	9	10	11	12	13	14		5		
	15	16	17	18	19	20	21		5		
	22	23	24	25	26	27	28		5		
	29	30	31						2		
									22		
Apr				1	2	3	4		3		
	5	6	7	8	9	10	11	Good Friday 4/10	4		
	12	13	14	15	16	17	18	No School	4		
	19	20	21	22	23	24	25		5		
	26	27	28	29	30				4		
									20		
May						1	2		1		
	3	4	5	6	7	8	9	End of 3rd Trimester (58 days)	5		
	10	11	12	13	14	15	16	End of 2nd Semester (86 days)	5		
	17	18	19	20	21	22	23	Graduation 5/22	5		
	24	25	26	27	28	29	30	Memorial Day 5/25	0	1	1.5
	31							Snow Makeup Days 5/26-5/27*	16		
								Workshop 5/28-5/29			
								*If no snow makeup needed workshop would be 5/26-5/27	172	4	8



Brainerd City Council Agenda Request

Requested Meeting Date: July 20, 2020

Title of Item: Street and Sewer Maintenance I Employee Diethert Resignation

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Street and Sewer
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Daniel Diethert submitted his resignation effective July 29, 2020.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Accept with regret the resignation of Daniel Diethert effective July 29, 2020 and authorize backfilling of the position from the same pool of Maintenance I applications currently being advertised for from a previous resignation.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

July 15, 2020

Jennifer Bergman, City Administrator
501 Laurel St.
Brainerd, MN 56401

RECEIVED

JUL 15 2020

CITY OF BRAINERD
ADMINISTRATION

Dear Jennifer,

I am hereby resigning, effective 2 weeks from today on July 29, 2020.

Sincerely,

Daniel Diethert

A handwritten signature in black ink, appearing to read 'Daniel Diethert', with a large, stylized flourish at the end.



Brainerd City Council Agenda Request

Requested Meeting Date: July 20, 2020

Title of Item: Request for Proposal for 2020 Audit Services

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☒ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 10 Minutes
Summary of Issue: In October 2015 the Council did an RFP for audit services and retained CliftonLarsonAllen (CLA). When the Council authorized signature on the engagement letter for 2018 it was discussed that they would like to do a request for a quote for 2019 audit services. At that time, Staff did a ListServ to see if other cities have done a request for quotes. Six responses were received, most of them had not heard of doing just a request for quote rather than an RFP, but some did offer advice such as to solicit quotes directly from a few firms if the City chose not to do a full RFP. The motion from the July 15, 2019 council meeting was to negotiate with CLA for the 2019 audit services at a cost of \$46,020; and to initiate a RFP for 2020 audit services. Below is a history of the audit fees: 2014 - \$46,000; 2015 - \$44,000; 2016 - \$44,850; 2017 - \$45,570; 2018 - \$46,020; 2019 - \$46,020	
Alternatives, Options, Effects on Others/Comments: When the City did the RFP in 2015, eight responses were received and the City interviewed CliftonLarsonAllen, BerganKDV and Eide Bailey. The recap is attached. The City has retained CLA for auditors for a long time. Staff is satisfied with the services the City receives from CLA. They are responsive, courteous, and thorough not only during the audit but throughout the entire year. It does work well that BPU, HRA and the City all use the same audit firm, and changing auditors does create additional work.	
Recommended Action/Motion: It would be staff's recommendation to retain CliftonLarsonAllen (CLA) for 2020 audit services, but Staff also understands if Council's direction is to conduct an RFP process or solicit quotes from other firms.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☒ Yes ☐ No The cost of the 2020 audit will be included in the 2021 budget. <u>Please Explain:</u>	

AUDITING SERVICES FOR PERIOD ENDING 12/31/2015

	Abdo, Eick & Meyers Edina	BerganKDV, LTD St. Cloud	CliftonLarsonAllen Brainerd	EideBailly Fargo, ND	McGladrey LLO Minneapolis	Redpath and Co. White Bear Lake	Schlenner Wenner & Co. St. Cloud	Wipfli LLP Minneapolis
Breakdown of All Inclusive Fee:								
Primary Government Audit	\$30,350	\$27,000	\$33,375	\$21,800	\$27,000	\$29,000	\$21,150	\$31,500
Component Units Audit	\$3,200	\$6,300	\$4,000	\$3,000	\$5,000	\$4,000	\$10,750	\$4,000
A-133 Audit	\$3,800	\$2,300	\$2,500	\$4,500	\$5,000	\$5,000	\$4,800	\$3,000
Passenger Facility Charges Audit	\$2,000	\$2,500	\$2,500	\$1,900	\$1,500	\$3,000	\$2,200	\$1,500
Preparation of OSA Form	\$675	\$700	\$500	\$400	\$1,000	\$500	\$500	\$500
Drafting Financial Statements	\$5,000	\$3,000	\$1,000	\$3,000	\$5,000	\$4,500	\$900	\$4,500
Out-of-Pocket Charges	\$0	\$0	\$125	\$6,300	\$6,000	\$0	\$200	Included
ALL INCLUSIVE FEE	\$45,025	\$41,800	\$44,000	\$40,900	\$50,500	\$46,000	\$40,500	\$45,000
Other Comments:			* Quoted 2% increase for 2016 & 2017	* A-133 Audit assumes 3 programs, if more/less, increase/decrease by \$1500 * Out-of-Pocket is estimate, only actually will be charged	* A-133 Audit assumes 1 major program, if more, increase by \$5000 each addt'l * Out-of-Pocket includes transportation, lodging, and meals			* Out-of-Pocket includes transportation, lodging, and meals
Client References: (partial lists)	City of Elk River City of Alberta Lea City of Granite Falls City of Faribault	City of Park Rapids City of Fergus Falls City of St. Cloud City of Richfield	City of Redwood Falls City of Minnetonka City of St. Cloud City of Baxter	City of Moorhead City of Wadena City of Morris City of Dilworth	Hennepin County MN Public Fac Authority City of Peoria City of Davenport	City of Andover City of Blaine City of Bloomington City of Cambridge	City of Little Falls City of Maple Lake City of International Falls City of Bayport	City of Anoka City of Wrenshall City of Scanlon City of Cloquet
Estimated # of Hours involved in the Audit	295	375	440	375	500	390	470	400
Passenger Facility Charges Audit Experience	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Experience with GFOA Cert of Achievement	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Rate/hour (total fees divided by est hrs)	\$152.63	\$111.47	\$100.00	\$109.07	\$101.00	\$117.95	\$86.17	\$112.50

NOTE: This spreadsheet is ONLY a review of fees, client references and hours for informational purposes. The RFP states on page 5 that "Cost will not be the primary factor in the selection of an audit firm. The City reserves the right to further negotiate on price if the firm desired for selection is higher than other proposing firms."



City of Brainerd Commission/Committee/Board Application Form

Any questions contact City Hall at 218-828-2307

Commission/Committee/Board Applying for Charter Commission Date: 7.9.2020

This application is public data pursuant to M.S. 13.43

PLEASE NOTE: Completion and submission of this form grants the City authority to conduct a background check including a complete criminal history and driver's license check.

* Name: Last O'Day First Michael M.I. C

PLEASE NOTE: Please see the individual committee requirements to serve on a City Committee or Board.

Why do you want to be on the Commission/Committee/Board you are applying for?

I want to contribute to the community in a positive way

What skills, strengths, or abilities do you believe you will add to the organization?

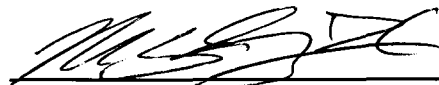
Problem solving skills, and experience working in committee setting

* Please refer to the "Meeting Dates and Time" for your desired Committee; are you able to commit to this schedule? Yes

* After Reviewing the City's "Conflict of Interest Policy" Please Explain if you are aware of any situation that might be perceived by others as a "Conflict of Interest" if you are appointed:

There are no conflicts of interest

Please list any additional comments:


(Signature)

7.9.2020
(Date)

*Required Information

Submit completed application forms via one of the following options:

Email: sbestul@ci.brainerd.mn.us **fax:** 218-828-2316
Mail: City of Brainerd, 501 Laurel Street, Brainerd MN 56401



City of Brainerd

Commission/Committee/Board Application Form

Any questions contact City Hall at 218-828-2307

Commission/Committee/Board Applying for Economic Development Authority Date: 7.9.2020

This application is public data pursuant to M.S. 13.43

PLEASE NOTE: Completion and submission of this form grants the City authority to conduct a background check including a complete criminal history and driver's license check.

* Name: Last O'Day First Michael M.I. C

PLEASE NOTE: Please see the individual committee requirements to serve on a City Committee or Board.

Why do you want to be on the Commission/Committee/Board you are applying for?

I am passionate about improving the economic climate in this city.

What skills, strengths, or abilities do you believe you will add to the organization?

I work well in a committee setting, and I believe that I have a firm grasp on the needs of this town.

* Please refer to the "Meeting Dates and Time" for your desired Committee; are you able to commit to this schedule? Yes

* After Reviewing the City's "Conflict of Interest Policy" Please Explain if you are aware of any situation that might be perceived by others as a "Conflict of Interest" if you are appointed:

None

Please list any additional comments:

[Signature] 7.9.2020
(Signature) (Date)

* Required Information

Submit completed application forms via one of the following options:

Email: sbestul@ci.brainerd.mn.us **fax:** 218-828-2316
Mail: City of Brainerd, 501 Laurel Street, Brainerd MN 56401



Brainerd City Council Agenda Request

Requested Meeting Date: July 20, 2020

Title of Item: Adopt Amended Preparedness Plan

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Jennifer Bergman	Department: Administration
Presenter (Name & Title): Jennifer Bergman	Estimated Time Needed: 5 minutes
Summary of Issue: Fire Chief Holmes, HR Director Shubert and our HR Intern updated the Preparedness Plan based on new guidance from the League of Minnesota Cities and the CDC. The changes were mostly regarding the basic hygiene, cleaning and disinfecting, social distancing and face masks. In addition, with the reopening of City Hall, we have included some information on access to the building and expectations of staff and visitors. See attached.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Adopt the amended Preparedness Plan.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



COVID-19 Preparedness Plan for the City of Brainerd

The City of Brainerd is committed to providing a safe and healthy workplace for all our staff, citizens, and public visitors. To ensure that, we have developed the following Preparedness Plan in response to the COVID-19 pandemic. Our goal is to mitigate the potential for transmission of COVID-19 in our workplaces and community. This requires full cooperation among staff, supervisors, and Department Heads. Only through this cooperative effort can we establish and maintain the safety and health of our staff and public in our workplaces.

The COVID-19 Preparedness Plan is administered by City Administrator Jennifer Bergman, who maintains the overall authority and responsibility for the plan. Department Heads, Supervisors, and staff are responsible for implementing and complying with all aspects of this Preparedness Plan. The City of Brainerd managers and supervisors have our full support in enforcing the provisions of this plan.

Our Preparedness Plan follows Centers for Disease Control and Prevention (CDC) and Minnesota Department of Health (MDH) guidelines and OSHA standards related to COVID-19 and addresses:

- Prompt identification and isolation of sick staff and staff exposed to sickness;
- Reducing the spread of COVID-19 in the workplace;
- Additional information; and
- Communication and training.

Stay Home if Feeling Illⁱ

Many times, with the best of intentions, employees report to or stay at work even though they feel ill, but employees should not stay at or report to work if they feel ill due to the current circumstances. If you feel ill, please inform your supervisor or designee immediately, leave immediately if you are at work, and do not return to work unless and until you are no longer ill with pandemic symptoms. Employees who report to work ill will be sent home in accordance with CDC health guidelines. We may request appropriate information related to illnesses from any employee before reporting to work and documentation from an ill employee before such employee may return to work.

Stay Home if COVID-19 Symptoms or Positive Testⁱⁱ

If employees have any of the symptoms described below and/or have tested positive for COVID-19, you must inform your supervisor or designee immediately, leave immediately if you are at work, and do not return to work unless and until the guidelines below are met. Employees who are at or report to work under these circumstances will be sent home in accordance with these health guidelines. We may request appropriate information related to these items from any employee before reporting to work and documentation from an ill employee before such employee may return to work.



COVID-19 Preparedness Plan for the City of Brainerd

It is critical that employees **check for, leave work, and do not report to work** while they are experiencing **any** symptoms such as the following:

- A new Fever (100.4 degrees Fahrenheit or higher);
- A new Cough
- Shortness of breath or difficulty breathing
- Chills
- Repeated shaking with chills
- Muscle pain
- Headache
- Sore throat
- New loss of taste or smell

Persons with COVID-19 who have symptoms and were directed to care for themselves at home may return to work under the following conditions:ⁱⁱⁱ

- At least 3 days (72 hours) have passed *since recovery* defined as resolution of fever without the use of fever-reducing medications **and** improvement in respiratory symptoms (e.g., cough, shortness of breath); **and**
- At least 10 days have passed *since symptoms first appeared*; **and**
- You have followed the guidance of your healthcare provider and local health department.

Persons who have COVID-19 who have symptoms and were directed to care for themselves at home may return to work under the following conditions:^{iv}

- Resolution of fever without the use of fever-reducing medications and
- Improvement in respiratory symptoms (e.g., cough, shortness of breath), and
- Negative results of an FDA Emergency Use Authorized COVID-19 molecular assay for detection of SARS-CoV-2 RNA from at least two consecutive respiratory specimens collected ≥ 24 hours apart (total of two negative specimens).

Persons with laboratory-confirmed COVID-19 who have not had any symptoms and were directed to care for themselves at home may return to work under the following conditions:^v

- At least 10 days have passed since the date of their first positive COVID-19 diagnostic test assuming they have not subsequently developed symptoms since their positive test. If they develop symptoms, then the symptom-based or test-based strategy should be used; **or**
- Negative results of an FDA Emergency Use Authorized COVID-19 molecular assay for detection of SARS-CoV-2 RNA from at least two consecutive respiratory specimens collected ≥ 24 hours apart (total of two negative specimens).



COVID-19 Preparedness Plan for the City of Brainerd

If you develop any of the following **emergency warning signs**, as specified by the CDC, get **medical attention immediately**.^{vi}

- Trouble breathing
- Persistent pain or pressure in the chest
- New confusion or inability to arouse
- Bluish lips or face

If you are sick with COVID-19 or suspect you are infected with the virus that causes COVID-19, you should contact your health care provider immediately and take the necessary steps to help prevent the disease from spreading to people in your home, place of employment, and community, which includes staying at home.

If an employee tests positive for COVID-19, other workers will be informed of a possible exposure as directed by the MN Department of Health.

Stay Home if Exposed to COVID-19^{vii}

The following guidelines do not apply to our sworn law enforcement staff as they will follow applicable CDC guidance relative to their position

Close Contact

If a household member or guest, an intimate partner, or someone you are providing care for has COVID-19 symptoms, or if you have been in close contact (less than 6 feet) for a prolonged period of time with a person with COVID-19 symptoms, you should:

- Inform your supervisor or designee immediately
- Leave work immediately if you are at work
- Stay home until 14 days after last exposure^{viii}
- Maintain social distance (at least 6 feet) from others at all times
- Self-monitor for symptoms
 - Check temperature twice a day
 - Watch for fever, cough, or shortness of breath
- Avoid contact with [people at higher risk for severe illness](#) (unless they live in the same home and had same exposure)
- Follow [CDC guidance](#) if symptoms develop

Travel^{ix}

If you traveled to a country with widespread sustained (ongoing) transmission of COVID-19 as established by the CDC, or traveled on a cruise ship or river boat:



COVID-19 Preparedness Plan for the City of Brainerd

- Inform your supervisor or designee immediately
- Leave work immediately if you are at work
- Stay home until 14 days after your last exposure and maintain social distance (at least 6 feet) from others at all times
- Self-monitor for symptoms
 - Check temperature twice a day
 - Watch for fever, cough, or shortness of breath
- Avoid contact with [people at higher risk for severe illness](#) (unless they live in the same home and had same exposure)
- Follow [CDC guidance](#) if symptoms develop

If you traveled from any other country:^x

- Inform your supervisor or designee for a determination of whether you should stay home, or leave work if you are at work
- Practice social distancing
 - Maintain a distance of at least 6 feet from others
 - Stay out of crowded places
- Be alert for symptoms
 - Watch for fever, cough, shortness of breath
 - Take temperature if symptoms develop
- Follow [CDC guidance](#) if symptoms develop

If you are planning on traveling:^{xi}

- Carefully consider whether travel is necessary
- Inform your supervisor or designee
- Check the [CDC's Traveler's Health Notices](#) for the latest guidance and recommendations for each country to which you will travel.
 - Self-monitor for symptoms before starting travel
 - Check temperature twice a day
 - Watch for fever, cough, or shortness of breath
- If you become sick after starting travel, promptly call a healthcare provider for advice as needed, and inform your supervisor or designee.
 - If outside the United States, a U.S. consular office can help locate healthcare services. However, U.S. embassies, consulates, and military facilities do not have the legal authority, capability, and resources to evacuate or give medicines, vaccines, or medical care to private U.S. citizens overseas.



COVID-19 Preparedness Plan for the City of Brainerd

Inability to be at Work

We provide paid sick time and other benefits to compensate eligible employees who are unable to work under certain circumstances. You should refer to applicable personnel policies, labor contracts, and notices related to such benefits.

The City of Brainerd may consider allowing certain employees in certain positions to work from home. For more information about such arrangements, please contact your supervisor and refer to applicable personnel policies and notices.

Reduce the Spread of COVID-19^{xii}

Basic Hygiene

Basic infection prevention measures are always being implemented at our workplaces. All staff are instructed to wash their hands for at least 20 seconds with soap and water frequently throughout the day, but especially at the beginning and end of their shift, prior to any mealtimes and after using the restroom. All customers and visitors to the workplace will be instructed to wash or sanitize their hands prior to or immediately upon entering the facility. Hand-sanitizer dispensers (that use sanitizers of greater than 60% alcohol) are at entrances and locations in the workplace so they can be used for hand hygiene in place of soap and water, as long as hands are not visibly soiled. Additional hand sanitizer will be located in the lobby and also distributed throughout city hall to employees. Additional supplies can be requested through your supervisor.

Cover your mouth and nose with a tissue when you cough or sneeze or use the inside of your elbow. Throw used tissues in the trash and immediately wash hands with soap and water for at least 20 seconds. If soap and water are not available, use hand sanitizer containing at least 60% alcohol.

Avoid touching your eyes, nose, and mouth with unwashed hands.

Clean and Disinfect

Clean and disinfect frequently touched objects and surfaces such as workstations, keyboards, telephones, handrails, and doorknobs. Dirty surfaces can be cleaned with soap and water prior to disinfection.

- Cleaning sprays and wipes will also be provided to clean and disinfect frequently touched objects and surfaces such as telephones and keyboards. You should clean these office surfaces daily.
- Regular cleaning practices are being implemented, including daily cleaning of high-touch areas, restrooms, break rooms, meeting rooms and entry ways by a contracted cleaning service provider.
- Employees are encouraged to clean personal work areas on a regular basis.



COVID-19 Preparedness Plan for the City of Brainerd

- Employees working with shared equipment (for example: common workstation, vehicles) should clean that equipment at the beginning and end of their shift.
- Field staff members will have hand sanitizer available in City vehicles if portable washing facilities are not readily available.

Social Distancing

- Maintain a distance of at least 6 feet from other employees, patrons, customers, etc.
- Only one person should be at the counters at a time.
- Social distancing marks have been established on the floor and distances should be maintained. Visitors will be asked to wait outside or in their vehicles if the spaces are currently occupied.
- Avoid using other employees' phones, desks, offices, or other work tools and equipment, when possible. If necessary, clean and disinfect them before and after use.
- Use telephone and video conferencing instead of face-to-face meetings as much as possible during this outbreak
- Avoid people who are sick with the above-symptoms or known to have traveled internationally or in a community in which COVID-19 is widespread.
- Public access to buildings will be restricted and monitored, and a drop box for documents or bill payments is provided.
- For our Dial-a-Ride public transportation system, clear curtains have been installed around our drivers and patrons will follow social distancing guidelines for seating.

Face Masks

You are encouraged to wear a cloth face cover while at work as a means of protecting others.

- Wearing masks will be required for employees when social distancing is difficult to maintain. Examples include, but not limited to, interacting with the public, working in confined spaces, and in the workplace than their workstation.
- The public is **STRONGLY** encouraged to wear a mask when in all city facilities. Masks will be available at the main entrances if needed. (Supplies are limited)
- Do NOT use a facemask meant for a healthcare worker.
- Continue to keep at least 6 feet away from others.

Further guidance on facemasks is available from the CDC here: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.



COVID-19 Preparedness Plan for the City of Brainerd

Meeting with Members of the Public

Employees are strongly encouraged to conduct all meetings with members of the public, consultants, and contractors by video conferencing. If an employee is unable to participate in a meeting by video conferencing, and must participate in person, the employee is required to follow the hygiene and social distancing guidelines recommended by the Minnesota Department of Health. Visitors must go through a screening process before they can enter City buildings. Staff will keep a visitor's log at each public service counter to assist with contact tracing if needed.

Personal Protective Equipment

Guidance related to any PPE that should be worn by employees to minimize exposure to hazards that cause serious workplace injuries and illnesses will be communicated to specific positions by supervisors.

Other Measures

Different areas of the organization will be taking specific measures to reduce the spread related to the above items. The City of Brainerd administration and supervisors will communicate to you such measures.

Employee Group-Specific Measures

More specific measures may be taken for specific employee groups based on their work, sites, and risk of exposure to illness. Meetings will be pre-planned, have pre-arranged seating, and limited in the number of people that can attend. Groups will be limited to 10 or fewer as often as possible. We will be continually monitoring how to handle related workplace issues and will update you accordingly. In addition, The City of Brainerd administration and supervisors will communicate to you any impacted operational issues related to your position.

Additional Information

Additional general guidance on COVID-19 is available here:

- CDC Fact Sheet: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/2019-ncov-factsheet.pdf>
- MDH Guidance: <https://www.health.state.mn.us/diseases/coronavirus/index.html>

Communications and training

This Preparedness Plan will be communicated, and training will be provided to all staff. Managers and supervisors are to monitor how effective the program has been implemented.

This Preparedness Plan has been certified by The City of Brainerd management and was posted throughout the workplace, online, and on the network. It will be updated as necessary.



COVID-19 Preparedness Plan for the City of Brainerd

Nothing in this communication establishes any precedent or practice. The City of Brainerd may change or eliminate these items, or portions thereof, at any time and without notice.

This plan supplements existing employment policies, rules, procedures, and regulations. All current employment policies, rules, procedures, and regulations remain in full effect, except for instances where this plan directly contradicts another current policy, rule, procedure, or regulation in which case this plan supersedes existing policy, rule, procedure, or regulation. Therefore, employees are encouraged to review all other such policies, rules, procedures, and regulations in conjunction with this plan.

Please contact Brainerd City Administrator Jennifer Bergman at jbergman@ci.brainerd.mn.us, telephone at 218-828-2307, or in-person with any questions or concerns.

Thank you for your cooperation.

Certified by: _____
Jennifer Bergman, City Administrator

ⁱ CDC: Interim Guidance for Businesses and Employers Responding to Coronavirus Disease 2019 (COVID-19), May 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.

ⁱⁱ CDC: Coronavirus Disease 2019: Symptoms of Coronavirus, <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>. CDC: Coronavirus Disease 2019: General Business Frequently Asked Questions, <https://www.cdc.gov/coronavirus/2019-ncov/community/general-business-faq.html>.

ⁱⁱⁱ CDC: Coronavirus Disease 2019: Discontinuation of Isolation for Persons with COVID-19 Not in Healthcare Settings, <https://www.cdc.gov/coronavirus/2019-ncov/hcp/disposition-in-home-patients.html#st3>. “”

^{iv} *Id.*

^v *Id.*

^{vi} CDC: Coronavirus Disease 2019: Symptoms, <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.

^{vii} CDC: Coronavirus Disease 2019: Public Health Guidance for Community-Related Exposures, <https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html>.

^{viii} The period of possible exposure runs from 48 hours prior to the time the sick person first developed COVID-19 symptoms until the sick person meets the criteria for discontinuing home isolation, which in some cases may be 72 hours after recovering from symptoms. <https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html>. The criteria for discontinuing isolation can be found on pages 2 and 3 of this Plan, and are also available [here](#).



COVID-19 Preparedness Plan for the City of Brainerd

^{ix} CDC: Coronavirus Disease 2019: Returning from International Travel, <https://www.cdc.gov/coronavirus/2019-ncov/travelers/after-travel-precautions.html>.

^x CDC: Interim Guidance for Businesses and Employers Responding to Coronavirus Disease 2019 (COVID-19), May 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.

^{xi} *Id.*

^{xii} CDC: Coronavirus Disease 2019: How to Protect Yourself & Others, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>. CDC: Interim Guidance for Businesses and Employers Responding to Coronavirus Disease 2019 (COVID-19), May 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.



Brainerd City Council Agenda Request

Requested Meeting Date: July 20, 2020

Title of Item: Dangerous Dog Hearing

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Jennifer Bergman	Department: Administration
Presenter (Name & Title): City Attorney, Animal Control Officer, and Dog Owner	Estimated Time Needed: 15 Minutes
Summary of Issue: The City received a request on July 7, 2020, from Brittani Joppru for a hearing regarding her dog Hank. Pursuant to Brainerd City Ordinance 900.25, the City Administrator shall place the matter before the City Council at its next regular council meeting. Please see the attached request for hearing and section of the City Ordinance pertaining to the regulation of dangerous dogs.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Conduct the dangerous dog hearing and make a determination of the facts and issue an order as to whether or not the said animal is properly characterized as dangerous.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

Subd. 2. Confinement. Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended and confined in the pound by any person or Enforcement Officer. The Officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in such a manner so as to be a danger to the health and safety of the City, the Officer shall cause such animal to be painlessly killed and shall properly dispose of the remains. The owner or keeper of the animal killed under this Section shall be liable for all costs of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

Subd. 3. Release. If the animal, upon examination, is not found to be diseased within the meaning of this Section, the animal shall be released to the owner or keeper free of charge.

900.25 Regulation of Dangerous Dogs. Subdivision 1. Definition of Dangerous Dog. The definition of a dangerous dog shall be taken from Minnesota Statutes Sections 347.50-347.56, as those statutes may be amended from time to time, which are hereby adopted and incorporated by reference into the Brainerd City Code. The Enforcement Officer, or designee, shall have the authority to order the euthanasia of a dangerous dog meeting the criteria established in State Statute, subject to the procedure set forth herein.

Subd. 2. Proper Enclosure. Proper enclosure means securely confined indoors or in a securely locked outdoor pen or structure suitable to prevent the dog from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall meet all of the following minimum specifications:

- A) Have a minimum overall floor size of thirty-two (32) square feet.
- B) Sidewalls shall have a minimum height of five (5) feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two (2) inches, support posts shall be one-and-one-quarter-inch or larger steel pipe buried in the ground eighteen (18) inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of eighteen (18) inches in the ground.
- C) A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two (2) inches.
- D) An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two (2) inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.

- E) The pen or kennel must be located in the animal owner's backyard and be at least five (5) feet from any property line.

Subd. 3. Unprovoked. Unprovoked shall mean the condition in which the animal is not purposely excited, stimulated, agitated, or disturbed.

Subd. 4. Procedure/Hearing. The procedure to seize an animal that appears to be dangerous shall be as follows

- A) Notify the owner, by registered mail that the animal appears to be dangerous. The notice shall specify the dates, times, places and parties or animals bitten. Said notice shall also apprise the owner of the animal that he or she may request a hearing before the City Council by notifying the City Administrator within ten (10) days after the receipt of the notice.
- B) If the owner does not request a hearing within ten (10) days of said notice, the Enforcement Officer shall immediately take possession of the animal and euthanize same.
- C) If the owner of the animal requests a hearing as to the dangerous nature of the animal, the City Administrator shall place the matter before the City Council at its next regular meeting. The owner may present evidence in opposition to the designation of the animal as dangerous. The Animal Control Officer shall present evidence to the City Council that supports the determination that the animal is dangerous. Following the hearing, the Council shall make a determination of the facts and issue an order as to whether or not said animal is properly characterized as dangerous. If the Council determines that the animal is dangerous, it will then order the owner to deliver said animal to the Animal Control Officer for the purpose of euthanizing said animal, unless the owner provides an alternative proposal, acceptable to the City Council which may include the permanent removal of the animal from the Brainerd City limits.

(Amended Ord. 1043 – 1998, Ord. 1325 – 2008)

900.27 Dangerous Animal Requirements. Subdivision 1. Requirements. If the City Council does not order the destruction of an animal that has been declared dangerous, the City Council may, as an alternative, order any or all of the following:

- A) That the owner provide and maintain a proper enclosure for the dangerous animal as specified in Section 900.25, Subd. 2;
- B) Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property as specified in Minnesota Statutes Sections 347.50-347.56;

7
BRAINERD POLICE DEPARTMENT
DANGEROUS DOG REQUEST FOR HEARING

RECEIVED JUL 07 2020

(To Be Completed by Dog Owner)

Date of Request: 7.7.20

OWNER:

Full Name: Brittani Jean Joppe
(First, Middle, Last)
Address: 18547 Hartley Lake rd
City/State/Zip: Brainerd mn 56401

Date of Birth: 8-13-90
Home Phone #: 218-232-76
Alternate/Cell Phone #: _____

ANIMAL:

Name of Animal: Hane Date Seized (if applicable): _____
Breed: Pitbull Color(s): red Markings: white chest

Return completed form to the Brainerd Police Department.

Pursuant to Brainerd City Ordinance 900.25:

- A request for a hearing must be made within 10 days of receipt of notice of that the animal appears to be dangerous.
- If the owner of the animal requests a hearing as to the dangerous nature of the animal, the City Administrator shall place the matter before the City Council at its next regular meeting. The owner may present evidence in opposition to the designation of the animal as dangerous. The Animal Control Officer shall present evidence to the City Council that supports the determination that the animal is dangerous.
- Following the hearing, the Council shall make a determination of the facts and issue an order as to whether or not said animal is properly characterized as dangerous.
- If a request for hearing is made, the owner must immediately comply with the requirements of Minnesota State Statute 347.52, paragraphs (a) and (c), until such time as the Council makes a determination.
- If the Council affirms the dangerous dog declaration, the owner will have 14 days from the receipt of the decision to comply with all other requirements of Minnesota State Statutes 347.51, 347.515 and 347.52 and/or Brainerd City Ordinance 900.27.
- All costs incurred for confining, impounding and/or disposing of the animal are the responsibility of the owner, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

I hereby request a hearing as to the dangerous nature of the animal.

Brittani Joppe
Signature of Dog Owner/Representative

7.7.20
Date

FOR OFFICE USE ONLY:

Received by: _____ Date Received: _____ ICR #: _____
Date Notice was Served: _____
Date to City Administrator: _____ Date of Next Regular Council Meeting: _____

On 6/19/2020 I received a call from the Florida Department of Animal Health advising me that there was a dog bite that occurred in Florida on 6/16/2020. They had the dog in their shelter on a 10 day quarantine and it was being investigated as a dangerous dog. The dog is an adult mixed breed Pitbull named Hank, and he had bitten 2 adults, the dog owner and her step father.

The owner was wanting to go back home to Minnesota before the quarantine period was over and wished to take Hank with her. The Florida Department of Animal Health requested to have me conduct a 10 day quarantine follow up on June 26th. I was told that the dog owners name was Brittani Joppru and she lives at 18547 Hartley Lk rd. I agreed to conduct the follow up and received a cell phone number (218-732-7691) to contact Brittani on. I was never able to reach Brittani and notified the Florida Dept of Animal Health of such on June 27th. I was then told that they received a call stating Hank was alive and well and they had closed the case. It is unsure who called them, but it wasn't me.

On 6/29/2020 at approximately 5:10 pm I received a call from the CWCSO that there was a dog bite at 1205 ½ Mill Ave and the owner was requesting animal control to seize the dog and have it euthanized immediately. I arrived on scene at approximately 5:15 and the victim was being transported to the hospital by an ambulance.

I spoke with Lee Morcumb (218-851-6049) who indicated that he was the victim's boyfriend and the dog was in the upstairs apartment. He then told me that the victim was Brittani Joppru and the dog was a Red Nose Pitbull named Hank. I asked Lee if Brittani recently returned from Florida and he stated that she had.

I tried to enter the apartment to secure Hank with my catch pole and there were 2 dogs in the apartment- Hank and an adult Black Lab. I asked Lee if the Lab was friendly and he stated he was, so I quickly removed the Lab from the home and he secured it. I then entered the apartment and tried to get Hank secured. I entered the apartment and Hank was very aggressively lunging at me, growling and barking. If I advanced towards him he would retreat into the kitchen area, but then immediately charge at me again getting within 2-3 feet. I asked Lee if he thought Hank would calm down a bit if he opened the door and talked with him and he thought he would. Lee entered the apartment and Hank approached him and I was able to secure it on my catch pole. Hank did have on a collar and leash.

I transported Hank to HART and placed him in a bite hold kennel. I was unable to remove his collar or leash as he was very aggressive. I took a few pictures of Hank then went to the hospital to interview Brittani.

Brittani was visibly upset and told me about the Florida attack where Hank bit both her step-father and herself. Her step father was bitten on his hand and Brittani was bitten on both arms and her stomach. (see the attached report from the Florida animal control officer)

Brittani stated that her 9 year old son Adam was in and out of the apartment quite a few times was crying or fake crying and Hank became agitated and aggressively attacked her. He bit onto her arm and would not let go. She screamed and struck Hank several times before he let go. She estimated that the attack lasted about 30 seconds. It was obvious that she had several puncture wounds and her arm was covered in blood. She allowed me to take a few photos and I told her I was going to leave and contact her in a couple days. She stated that the Dr. thought she was going to need surgery.

She again stated that she wanted Hank euthanized because he was too dangerous, but she was very upset about it. I advised her that we needed to hold it 10 days for a quarantine because he wasn't vaccinated for rabies. She then told me that he was recently being watched by a friend when her friend was violently attacked by her significant other and Hank attacked him.

I contacted the Florida Department of Animal Health and asked them to send me the report from their incident involving Hank. They advised that a request would need to be made on department letterhead and Deputy Chief Bestul was able to secure the report for me.

The following day I filled out the forms declaring Hank a dangerous dog, and met with Brittani at her residence. I explained to her that we believed that Hank was a dangerous dog and although she requested that we euthanize him we were still going to go through the process of having him declared dangerous while we waited out the 10 day bite quarantine. She then stated she might be changing her mind and she wondered how to get Hank back. She signed the dangerous dog declaration and I gave her a copy and advised her how to contest it. She also confirmed that she did require surgery to repair the wounds as Hank had bitten so deeply he damaged her bone.

On July 6th I received a call from Brittani and she was upset and stated that she didn't understand what she had signed and she not believed that Hank was not dangerous, she didn't want him euthanized, and that her son had provoked him into attacking her. I again advised her how to contest the declaration and she turned the request form into the Brainerd PD that day.

On 7/9/2020 I was able to speak with Geof Goodell, Brittani's step-father. He recounted the attack that happened in Florida and stated that he felt Hank was a very dangerous dog and it shouldn't be allowed back into the house as Brittani had a 10 year old son.

I was able to speak with Lee and Brittani on July 10th. Lee stated that he and Brittani shared the apartment at 1205 1/2 mill ave and he would not be comfortable with Hank coming back into the home. I asked what they planned on doing regarding Hank and he stated that Brittani wanted to reclaim him when she could, and she was going to bring him out to her ex's (Rick Anderson) house on Hartley Lk Rd. I again informed them that Hank was able to be reclaimed at this time with a couple restrictions. They stated they were still planning on contesting the dangerous dog declaration and I explained the process.

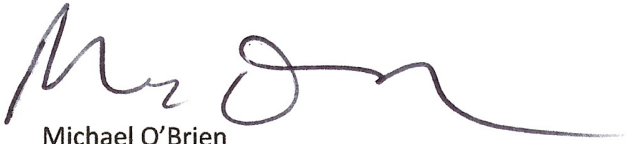
I then spoke with Rick Anderson and he stated he wouldn't be willing to take Hank at his home. He told me that he and Brittani got Hank as a gift for their son when he was 5 years old and he had lived at his home till 2 years ago. I asked him if there had been any other issues with Hank and he stated that there was one incident when Hank was about a year old and the sheriff's department had been involved. I asked him if they declared him a potentially dangerous dog and he thought they might have.

I then called the Crow Wing County Sheriff's Office and they searched their records and did find that Hank was declared a potentially dangerous dog (see CWCSO report) due to an incident in 2016.

On July 13th I met with Brittani, her friend Rachel, and Donna Wambke at HART. Brittani was now stating that she wanted Hank to be euthanized and that she wanted to be with him when that happened. Donna stated that was against HART's policies. She then asked if she could have Hank's body after the procedure and Donna agreed to allow her to pick him up at HART when they returned from the vet office. Brittani then said she was going to try to get the money to reclaim Hank from HART and transport

him directly to a veterinarian to have him euthanized so she could be with him. I told her that he needed to be picked up soon because the quarantine period was over.

On Thursday July 16th I met Brittani at HART and she reclaimed him. She did not state where she was going to be bringing him but she mentioned that she was planning on bringing him to the Babinski Foundation for evaluation.

A handwritten signature in dark ink, appearing to read 'Michael O'Brien', with a long, sweeping horizontal line extending to the right.

Michael O'Brien
Brainerd Animal Control
7/9/2020

**BRAINERD POLICE DEPARTMENT
NOTICE OF DANGEROUS DOG**

Date of Notification:

7/1/2020

ICR #:

20007474

OWNER:

Full Name:

Brittani Jean Joppa
(First, Middle, Last)

Date of Birth:

3/13/1990

Address:

1205 1/2 Mill Ave

Home Phone #:

City/State/Zip:

Brainerd, MN 56401

Alternate/Cell Phone #:

218-732-7691

ANIMAL:

Name of Animal:

Hank

Sex:

M

Altered:

☐ Yes

☒ No

Age:

5

Breed:

Pitbull

Color(s):

Brown

Markings:

—

Dog previously classified as Potentially Dangerous?

☒ Yes

☐ No

Date of Previous Incident:

7/10/2016

INCIDENT:

Date of Incident:

6/29/2020

Time of Incident:

1658

Location of Incident

1205 1/2 Mill Ave

Parties or Animals Bitten:

Brittani Joppa - Dog owner

You are hereby placed on notice that your dog has been defined by Minnesota State Statute 347.50 as Dangerous.

☐ On above date, said dog, without provocation, inflicted substantial bodily harm on a human being on public or private property.

☐ On above date, said dog killed a domestic animal without provocation while off the owner's property.

☒ On above date, after said dog had been found to be potentially dangerous and the owner was duly notified, said dog aggressively bit, attacked, or endangered the safety of humans or domestic animals.

You must register your DANGEROUS DOG by completing the attached *Dangerous Dog Registration* form and returning it to our office within 14 days of this notification. Failure to comply with the State Statute regarding dangerous dogs is a crime and may result in a criminal charge and your dog being confiscated and confined at your expense.

Pursuant to Brainerd City Ordinance 900.25, you may request a hearing before the City Council to determine the validity of the Dangerous Dog declaration by completing the attached *Dangerous Dog Request for Hearing* form and returning it to our office within 10 days of this notification. If a hearing is requested, the owner must immediately comply with the requirements of Minnesota State Statute 347.52, paragraphs (a) and (c), until such time as the Council issues an opinion. If the Council affirms the Dangerous Dog declaration, the owner will have 14 days from the receipt of that decision to comply with all other requirements of Minnesota State Statutes 347.51, 347.515 and 347.52 and/or Brainerd City Ordinance 900.27. All costs incurred for confining, impounding and/or disposing of the animal are the responsibility of the owner.

I hereby acknowledge receipt of this Notice of Dangerous Dog.

Signature of Dog Owner/Representative

Michael O'Brien

Issuing Officer & Badge Number

Date

7/16/2020

Date

**BRAINERD POLICE DEPARTMENT
NOTICE OF DANGEROUS DOG**

Date of Notification:

7/1/2020

ICR #:

20007474

OWNER:

Full Name:

Brittani Joppa

Date of Birth:

3/13/1990

Address:

1205 1/2 Mill Ave

Home Phone #:

City/State/Zip:

Brainerd, MN 56401

Alternate/Cell Phone #:

218-732-7691

ANIMAL:

Name of Animal:

HANK

Sex:

M

Altered: ☐ Yes ☒ No

Age:

5yr

Breed:

Pitbull

Color(s):

Reddish

Markings:

All Red

Dog previously classified as Potentially Dangerous? ☐ Yes ☒ No

Date of Previous Incident:

INCIDENT:

Date of Incident:

6-29-2020

Time of Incident:

1658

Location of Incident

1205 Mill Ave - upstairs Apt

Parties or Animals Bitten:

Brittani Joppa

You are hereby placed on notice that your dog has been determined to be Dangerous.

State Statute 347.50 as

☒

On above date, said dog, with or without provocation, attacked, injured or killed a human being on public or private property.

☐

On above date, said dog killed or injured a human being on the owner's property.

☐

On above date, after said dog was lawfully restrained by the owner, said dog aggressively bit, attacked or injured a human being.

If the owner was duly notified, said dog aggressively bit, attacked or injured a domestic animal.

You must register your DANGEROUS DOG with the City of Brainerd, returning it to our office within 14 days of receipt of this notification. Violation of this ordinance is a crime and may result in a fine and/or imprisonment.

Registration form and fee required by State Statute regarding dangerous dogs and confined at your residence.

Pursuant to Brainerd City Ordinance 900.25, you may appeal the Dangerous Dog declaration by completing a hearing form and returning it to our office within 10 days of this notification. If a hearing is held, you must immediately comply with the requirements of Minnesota State Statute 347.52, pending the outcome of the hearing. If the Council affirms the Dangerous Dog declaration, you must have 14 days from the receipt of that decision to comply with all other requirements of Minnesota Statutes 347.51, 347.515 and 347.52 and/or Brainerd City Ordinance 900.27. All costs incurred for confining, impounding and/or disposing of the animal are the responsibility of the owner.

I hereby acknowledge receipt of this Notice of Dangerous Dog.

Signature of Dog Owner/Representative

Michael R. O'Brien - ACO
Issuing Officer & Badge Number

Date

7-1-2020
Date



15494 Dellwood Drive
Brainerd, Mn 56401
(218) 829 4141

July 8, 2020

RE: Brittani Joppru
1205 Mill Ave
Brainerd, Mn 56401
(218) 732-7691

To whom it may concern:

On 6/29/2020, ACO Mike O'Brien, delivered a male Pitbull type dog named Hank to HART's Impound facility on a ten-day bite hold. Dog's owner is Brittani Joppru.

In the past nine days HART staff has observed the following behaviors on Hank.

- Hank came in covered in owners' blood. It remains on his fur today as we are unable to touch Hank.
- He is moved from one kennel into another via a trap door pulley system for daily cleaning and feeding.
- When we walk past Hank's kennel, his hackles go up and he growls loudly while attacking the kennel gate.
- Under no circumstances can any staff person walk him or interact with him safely.

Thank you,

Donna Wambeke
HART Executive Director

Brittany Nelson
HART Shelter Manager

Person View Report

Person



Printed:07/08/2020 12:23PM

Person Details

	<u>Name</u>	<u>Date of Birth</u>	<u>ID Type: Number</u>	<u>Gender</u>
P36194753	Brittani Joppru	3/13/1990	:	F

Addresses

<u>Type</u>	<u>Address</u>	<u>PostalCode</u>
Home	18547 Hartler Lake Rd Brainerd Other CROW WING Minnesota USA	56401

Phone Numbers

<u>Type</u>	<u>Number</u>	<u>Extension</u>
Home	218-732-7691	

Animal

<u>AnimalID</u>	<u>Type</u>	<u>Date</u>	<u>Name</u>	<u>Species</u>	<u>Primary Breed</u>	<u>Primary Color</u>	<u>DOB</u>	<u>Sex</u>
<u>A44877682</u>	<u>Seized / Custody</u>	6/16/2020	Hank	Dog	Mixed Breed, Large (over 44 lbs fully grown)	Brown	6/26/2015	M

Case

<u>Case #</u>	<u>Type</u>	<u>Sub type</u>	<u>Reference #</u>	<u>Date of Incident</u>	<u>Status</u>
<u>C05830962</u>	Bite	Animal to Person	79042	6/16/2020 7:54:00 PM	Closed

Associations

Photo

Association

Case View Report



Citrus County Animal Services

4030 S Airport Road

Inverness, Florida 34450 USA

colleen.yarbrough@citrusbocc.com

https://www.citrusbocc.com/departments/community_services/animal_services/

Tel.: 352-746-8400 | Fax: 352-726-4120

Printed: 07/08/2020 12:23PM By: Kim

Case Details

Case #: **C05830962**Reference #: **79042**Status: **Closed**Case Date/Time: **06/16/2020 07:54PM** Reported:Jurisdiction: **Crystal River**Additional Info: **Dog bit owner and a family matter during attack**Category: **Incident**Type: **Bite**Subtype: **Animal to Person**Officer: **Guy Hall**

Review Date:

721 N Dove Pt, Crystal River, 34429, Florida, United States

Directions:

Result: By: Date/Time:

Result Comments:

Created By: **guy**Created: **06/16/2020 07:57PM**Last Updated By: **Marsha**Updated: **06/26/2020 02:32PM**Animal Info: **Dog**

Person Info:

Case Animals

Animal #: **A44877682 | 79042**Animal ID: **A44877682** Name:

Hank

Types:

Dog

Gender:

Male

ARN: 79042

DOB:

6/26/2015

Breeds:

Mixed Breed, Large (over 44 lbs fully grown)/Mix

Altered:

N

Chip #:

Current Age:

5 Y 0 M 12d

Colors:

Brown/

Size:

L

Type:

Age Group:

Adult (2yr - 6yr)

Pattern:

Weight:

0

Declawed: N

Bitten:

Bite History

Primary Role:

Suspect

Secondary Role:

Animal Memos: Yes

Case Memos:

No

Conditions: No

Violations: No

Ownership / Guardianship

Person #	Date From	Person Name	Phone	Address	City
P36253757	6/26/2020	Tracy Goodell	(218) 851-7513	721 N Dove Pt	Crystal River, CITRUS FL 34429

Case Persons

Person #: **P36194741 | Geof Goodell****P36194741**

Geof Goodell, 218-851-6730 721 N Dove Pt

Crystal River, 34429, Crystal River, CITRUS, FL - Home Primary Role:Victim Secondary Role:

Animal Owner: No , Person Reporting:No ,Property Owner:No

Person #: **P36194753 | Brittani Joppru****P36194753**

Brittani Joppru, 218-732-7691 18547 Hartler Lake Rd

Brainerd, 56401, Other, CROW WING, MN - Home Primary Role:Suspect Secondary Role:

Victim

Animal Owner: No , Person Reporting:No ,Property Owner:No

Case Memo(s)

<u>Memo #</u>	<u>Reference</u>	<u>Reference #</u>	<u>Memo Type</u> <u>Memo Subtype</u>	<u>Created Date/Time</u>	<u>Created By</u>	<u>Updated Date/Time</u>	<u>Updated By</u>	<u>Review Date/Time</u>
5373634	Case		Officers Narrative Off. Guy Hall	06/17/2020 04:06PM	Marsha	06/17/2020 04:05PM	guy	
ACO Directives		6/16/2020 8:29:00 PM	Callers daughter Brittani Joppru was visiting from Minnesota for around 1 week. She left to get her a/c fixed and returned 30 minutes later, apparently highly intoxicated. The family got in to a dispute and Brittani tried to leave with her dog Hank. Since the mothers significant other/husband? Geof Goodell felt strongly that she was in no condition to drive, he went out to her vehicle and tried/took keys from Brittani. Hank bit him between Geof's left thumb and index finger, which split open around and inch long by half an inch wide. Geof was frightened by this and fled back in to the house in fear that Brittani would turn Hank loose on him. Then Hank turned on Brittani biting her on both arms and stomach area and possibly other areas. Deputy 1545 Haney was dealing with Brittani when I arrived and she was out of control sobbing and crying to just be able to go home with her dog, which is in Minnesota. Apparently Brittani's mother was able to get the dog off of Brittani and secured in their garage. Deputy Haney gathered both victims information and gave it to me. Geof does not want the dog left at his house due to the event. Since there was not a home to consider to quarantine dog in and I feel he needs to be investigated for Dangerous dog, he was impounded and transported to the shelter. I was unable to catch pole Hank in the garage due to him continually going under a utility trailer. I decided to chemical capture as a last result and Brittani still very intoxicated, became more cooperative. I explained to her why I was taking the dog to the shelter and that it was going to be investigated for Dangerous dog since it bit her multiple times and Geof Goodell. She said she understood and would put a leash on him so I could put him on my vehicle. It took her 5-10 minutes to get a leash on , and once she did I put my catch pole on him, She assisted in lifting him in to my vehicle. I gave her my card with incident # and shelters phone number. Hold dog for Dangerous dog investigation.				guy	
5376263	Case		Officers Narrative Off. Guy Hall	06/20/2020 09:52AM	guy	06/20/2020 09:47AM	guy	
On 6-19-20 bite dog owner Brittani called in to see about getting her dog back. I contacted my supervisor and she advised that if dog is current she could claim him and return to Minnesota. She also advised that if dog is not current that she would get with our County Health Dept. and Crow wing county in Minnesota to see if they are in agreement to continue the bite incident. I spoke with Brittani and she checked with her Vet and found out that bite dog Hank is not current with his rabies vaccine. Since I will not be on duty Monday 6-22-20, I told Brittani to contact supervisor Peckham on Monday for further instructions.								
5376269	Case		Officers Narrative Off. Guy Hall	06/20/2020 10:03AM	guy	06/20/2020 10:02AM	guy	
Brittani also advised that bite dog Hank is microchipped and registered in Minnesota.								
5382208	Case		Statements	06/26/2020 02:32PM	Marsha	06/26/2020 02:32PM	Marsha	
dog alive & well at end of QT - OK to close case								



CROW WING COUNTY SHERIFF'S OFFICE

304 Laurel Street • Brainerd, MN 56401

Phone: (218) 829-4749 • Fax: (218) 829-9459 • www.co.crow-wing.mn.us

Office of
Todd Dahl, Sheriff

NOTICE OF POTENTIALLY DANGEROUS DOG

(To be completed by Deputy)

Date of Notification: 7-10-16	ICR#: 16011133
Dog Owner: Rick Lee Anderson	
Address: 18547 Hartley Lake Road	Phone: 218-851-5627

You are placed on notice that your dog has been defined by Minnesota State Statute 347.50 as Potentially Dangerous.

Dog's Name: Hank	Breed: Pitbull	Sex: M
Color/Description: Brown	Age: 10 months	
Does dog have current rabies vaccination? ☒ yes ☐ no		
Vet Clinic: Baxter Animal Hospital		
Photograph taken? ☒ yes ☐ no		

Date & Time of Incident: 7-10-16 at approximately 1054 hours.

(Check one of the following)

- ☐ On above date, said dog, without provocation bit _____ (Name of victim or type of domestic animal) at _____ (Location of incident).
- ☒ On above date, said dog, without provocation, while on public or private property, other than dog owner's property, chased or approached in an aggressive manner Tom Bausman (Name of victim).
- ☐ Said dog has a propensity to attack, unprovoked, causing injury or threatening the safety of humans or domestic animals as shown by the following incident:

Date of Prior Incident: N/A	Prior ICR#: N/A	Dog classified as Potentially Dangerous? ☐ yes ☐ no
-----------------------------	-----------------	---

Your dog has been defined as a POTENTIALLY DANGEROUS DOG and you should familiarize yourself with the State Statutes regarding such dogs. As an owner of a potentially dangerous dog ***you must have a microchip implanted in the dog for identification within 14 days of the receipt of this notice.*** Proof of microchip implant must be provided to the Crow Wing County Sheriff's Office and should include the name of the microchip manufacturer and identification number of the microchip. Please note that once a dog has been defined as a potentially dangerous dog, and the owner has been notified as such, and the dog subsequently aggressively bites, attacks, or endangers the safety of humans or domestic animals, it may be classified as a Dangerous Dog.


(Signature of Deputy)

With courage, honor and integrity, we protect the rights and dignity of all citizens. In partnership with our communities, we strive to preserve the peace and are dedicated to excellence in the delivery of public safety services.

STATE OF MINNESOTA
COUNTY OF CROW WING



File Number _____

CERTIFICATE OF SERVICE

I, Jon Collins, hereby certify that on the 10 day of July, 20 16 at 1235 a.m./p.m., at 18547 Hartley Lake Road in the City of Brainerd, in the County of Crow Wing, State of Minnesota, I duly served the following:

☐ Levy ☐ Bank ☐ Wage
☒ Dog Notice
☒ Potentially Dangerous
☐ Dangerous
☐ Notice of Seizure
☐ Notice of Filing of Order
☐ Notice of Hearing
☐ Notice of Motion and Motion, Affidavit
☐ Motion and Notice of Motion to
Impose Penal Provisions
☐ Notice of Cancellation of Contract
for Deed
☐ Notice of Mortgage Foreclosure Sale,
Help for Homeowners, Homestead
Designation Notice, Advice to Tenants,
What Happens After the Foreclosure Sale
☐ Notice to Establish:
☐ Child Support
☐ Paternity
☐ Summons and Complaint, Affidavit,
Supporting Documents
☐ Order of the Court and Order to Show Cause

☐ Order for Apprehension, Confinement,
Notice of Hearing, Petition for Judicial
Commitment, Statement of Rights
☐ Order
☐ Order to Show Cause
☐ Statement of Claim and Summons
☐ Subpoena: Witness Fees \$ _____
☐ Witness Certificate, Application for
Reimbursement of Witness Expenses
☐ Summons
☐ Summons and Complaint
☐ Eviction
☐ For Forfeiture
☐ Summons and Petition
☐ CHIPS
☐ Dissolution of Marriage
☐ Writ of Recovery
☐ Other - _____

ORDERS FOR PROTECTION

☐ Emergency (Exparte) OFP, Petitioner's
Affidavit and Petition for OFP, Instruction
Sheet, Blank Request for Hearing
☐ Order Denying Petition for Exparte OFP,
Order for Hearing, Petition for OFP,
Instruction Sheet
☐ OFP Following Hearing
☐ Order for Continuance
☐ Affidavit and Order for Dismissal
HARASSMENT RESTRAINING ORDER
☐ Order Granting Petition for Exparte HRO,
Petitioner's Affidavit and Petition for HRO,
Important Notice to Respondent and
Request for Hearing
☐ Order Denying Petition for Exparte HRO,
Order for Hearing, Petitioner's Affidavit
and Petition for HRO, Important Notice
to Respondent
☐ HRO Following Hearing
☐ Order for Continuance
☐ Petitioner's Request and Order for
Dismissal of HRO

UPON THE FOLLOWING PARTY: (Party Named on Document) Rick Lee Anderson

☒ By personally leaving a copy with Him

☐ By leaving a copy at the place of _____'s usual abode with _____
a person of suitable age and discretion residing therein.

ACKNOWLEDGEMENT OF SERVICE

I, [Signature], hereby acknowledge that I received the above papers from the named deputy.
*Signature

*Signing this acknowledgement is only an admission that you have received the papers and does not waive any other defenses.

CERTIFICATE OF UNSERVED PROCESS

I, _____, hereby certify that after diligent search, concluding on the _____ day of _____,
20____ at _____ a.m./p.m., I have been unable to find the within named person, _____, within
Crow Wing County.

☐ Person Unknown at Address
☐ Person Moved, Address Unknown
☐ Person Moved, See New Address Below

☐ Person Avoiding Service
☐ Vacant and Unoccupied
☐ Address not in Crow Wing

☐ Unable to Locate
☐ No Such Address
☐ Service Cancelled by Source

Sheriff's Service Fee \$ _____

Todd Dahl, Sheriff

By: [Signature], Deputy

Dated this 10 day of July, 20 16

Supplemental Report**ICR:**16011133 (Crow Wing County Sheriffs Office)

07-11-2016

Created By: Collins, Jon**Last Modified By:** Tschida, Tammy**Title:** Collins Report

On 7-10-16 at approximately 1054 hours, Deputy Collins was dispatched to a report of two dangerous dogs at 18547 Hartley Lake Road. While en route, Collins spoke with the complainant, Tom Bausman, on the phone. Tom told Collins the following information:

- He was walking south on Hartley Lake Road with his dog on the east side of the road
- When he was in front of 18547, two Pit Bull dogs came from the residence on the west side of the road and began chasing his dog and acting aggressive toward his dog
- He kicked the solid brown colored dog in the chest
- He finally had to pick up his own dog and hold it on his shoulders to keep it safe
- The owner of the two dogs came out and retrieved his dogs
- The owner asked if Tom's dog had been bitten
- He told the owner it had not been bitten
- He would like to see the owner served with potentially dangerous dog paperwork as his children often walk the dog past this residence

Collins arrived at the address and spoke with the Pit Bulls' owner, Rick Anderson. Rick admitted he was outside when the incident occurred. Rick's account of what had happened matched Tom's story. Collins advised Rick that since his dogs had left his property and chased someone on the road in an aggressive manner, both dogs would be deemed potentially dangerous.

Rick had both dogs locked inside the residence when Collins arrived. Rick brought out the first dog, Hank, for Collins to photograph. Hank is a 10 month old, male Pit Bull and is brown in color. Rick said Hank is up to date on his shots and has been seen at the Baxter Animal Hospital.

Rick then brought out Kiki, a brown and white female Pit Bull approximately two years of age. Rick said he had gotten Kiki recently from a rescue shelter and she was also up to date on her shots. Rick said Kiki was the first dog to leave the yard and chase after Tom and his dog. Both Kiki and Hank were wearing shock collars at the time. Rick has an invisible fence in his yard and he believed the fence was working at the time of the incident as he saw both Kiki and Hank jump when they entered back into his yard.

Collins completed potentially dangerous dog notices for both Hank and Kiki. Collins photographed each dog. Collins served the potentially dangerous dog notices to Rick and had Rick sign a certification of service for each. Collins explained to Rick he would have 14 days to have both dogs microchipped and provide proof of the microchipping to the Sheriff's Office.

Collins then cleared from the call.

End to Date















Brainerd City Council Agenda Request

Requested Meeting Date: July 20, 2020

Title of Item: Conditional Use Permit - Jacobson Excavating & Landscaping

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): David Chanski, CDD	Estimated Time Needed: 2 minutes
Summary of Issue: Joel and Grace Jacobson have submitted a request on behalf of Jacobson Excavating and Landscaping for a Conditional Use Permit (CUP) for outdoor storage of landscaping materials at 3424 Oak St., Brainerd, MN 56401. This CUP request is one part of a larger project to develop a greenhouse and retail space on the property.	
Alternatives, Options, Effects on Others/Comments: The Planning Commission considered this CUP request during their regular meeting on July 15. The Commission voted unanimously to approve this CUP with no conditions, citing staff's findings of fact.	
Recommended Action/Motion: Motion to approve the Conditional Use Permit for outdoor storage of landscaping materials at 3424 Oak St.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

City of Brainerd Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: July 15, 2020

RE: Jacobson Excavating and Landscaping CUP

Joel and Grace Jacobson have submitted a request on behalf of Jacobson Excavating and Landscaping for a Conditional Use Permit for outdoor storage of landscaping materials at 3424 Oak St., Brainerd, MN 56401.

Findings of Fact

1. 3424 Oak St. is in a B-4 (General Business) District.
2. Per [Section 515-63-6.M](#) of the Code of Ordinances, outdoor storage as an accessory use is a conditional use within a B-4 District provided that:
 - a. The area is fenced and screened from view of the neighboring properties and public right-of-way in compliance with Section 20 of the Zoning Code.
 - b. Storage area is paved with asphalt, bituminous or concrete or surfaced with crushed rock.
3. The applicant is proposing concrete storage bins to contain landscaping material such as black dirt, mulch, and rock and aggregate.
4. All other proposed uses on the property are considered permitted uses within a B-4 District.
5. The property is currently an undeveloped lot of approximately 3.5 acres.
6. The property is not currently serviced by sewer and water.
7. The property does contain significant wetlands.
 - a. The applicant has had a wetland delineation approved by the Crow Wing Soil and Water Conservation District on July 18, 2018.
8. The City Engineer notes that, while a stormwater plan is not a requirement for this CUP request, it will be required at the time of building permit submittal.
 - a. Stormwater rate runoff control will be required, and post condition runoff rates cannot exceed pre-condition runoff rates.

As of this writing, no parties have contacted the Community Development Department with questions about this request.

Staff Opinion

Staff recommends approval of the CUP request.



City Planning Department

City Hall – 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2316
www.ci.brainerd.mn.us

Receipt # _____
Check # _____
Date Paid: _____

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$250.00)	☒ (\$400.00 + \$500.00 escrow deposit)
REZONING	☐ (\$300.00)	☐ (\$500.00)
VARIANCE	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: _____

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy)

Property Owner Name: JOEL + GRACE JACOBSON (LIFE LONG LEARNERS, LLC)

Street Address: 13252 STATE HWY 18 City: BRAINERD State: MN Zip Code 56401

Phone Number: (218) 851-1818 Fax: _____ E-mail: jacobson.LLC@gmail.com

Applicant Name: (If different than Property Owner) _____

Street Address: _____ City: _____ State: _____ Zip Code: _____

Phone Number: _____ Fax: _____ E-mail: _____

Description of Request: WE WOULD LIKE TO HAVE OUTDOOR MATERIAL BINS FOR
OUR RETAIL CUSTOMERS. THESE BINS WOULD CONTAIN LANDSCAPING MATERIAL:
BLACK DIRT, MUCK OF VARYING COLORS, ROCK & AGGREGATE, AND. BINS WILL
BE MADE OF CONCRETE.

[Signature]
Property Owner Signature

6-29-2020
Date

JOEL JACOBSON GRACE JACOBSON
(Please print name)

[Signature]
Applicant Signature

6-29-2020
Date

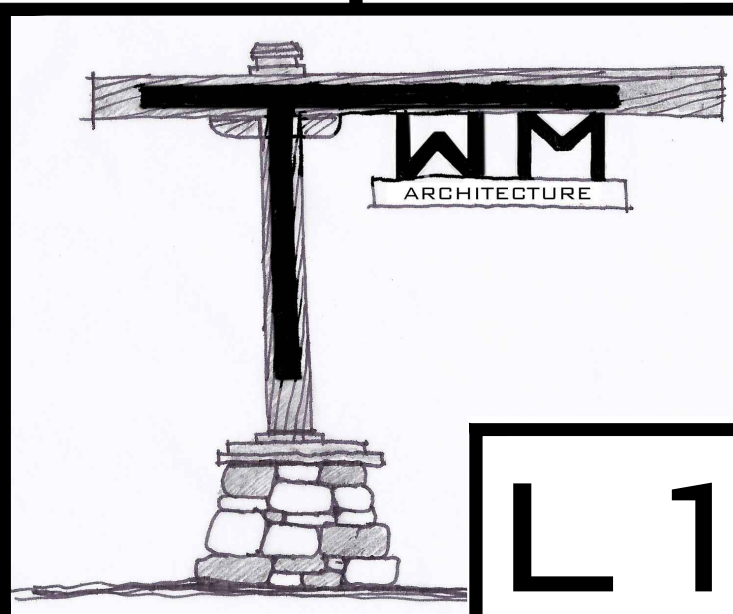
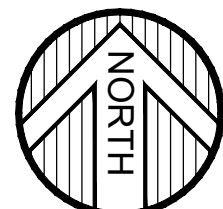
JOEL JACOBSON
(Please print name)



1

PRELIMINARY SITE PLAN

1/32" = 1'-0" ON 24 X 36 PAPER



JACOBSON EXCAVATING
OFFICE BUILDING
BRainerd, MN

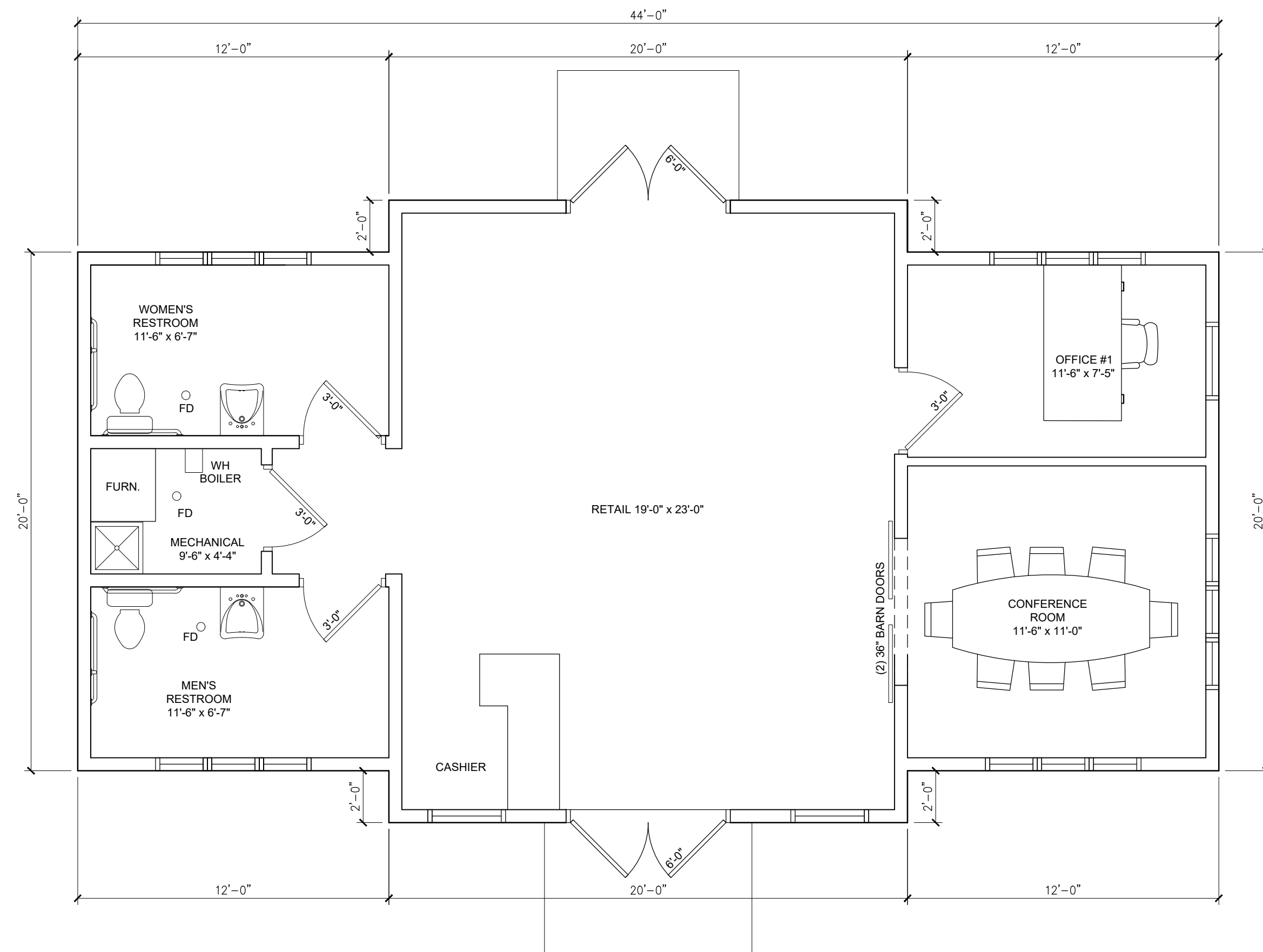
6-11-20

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA

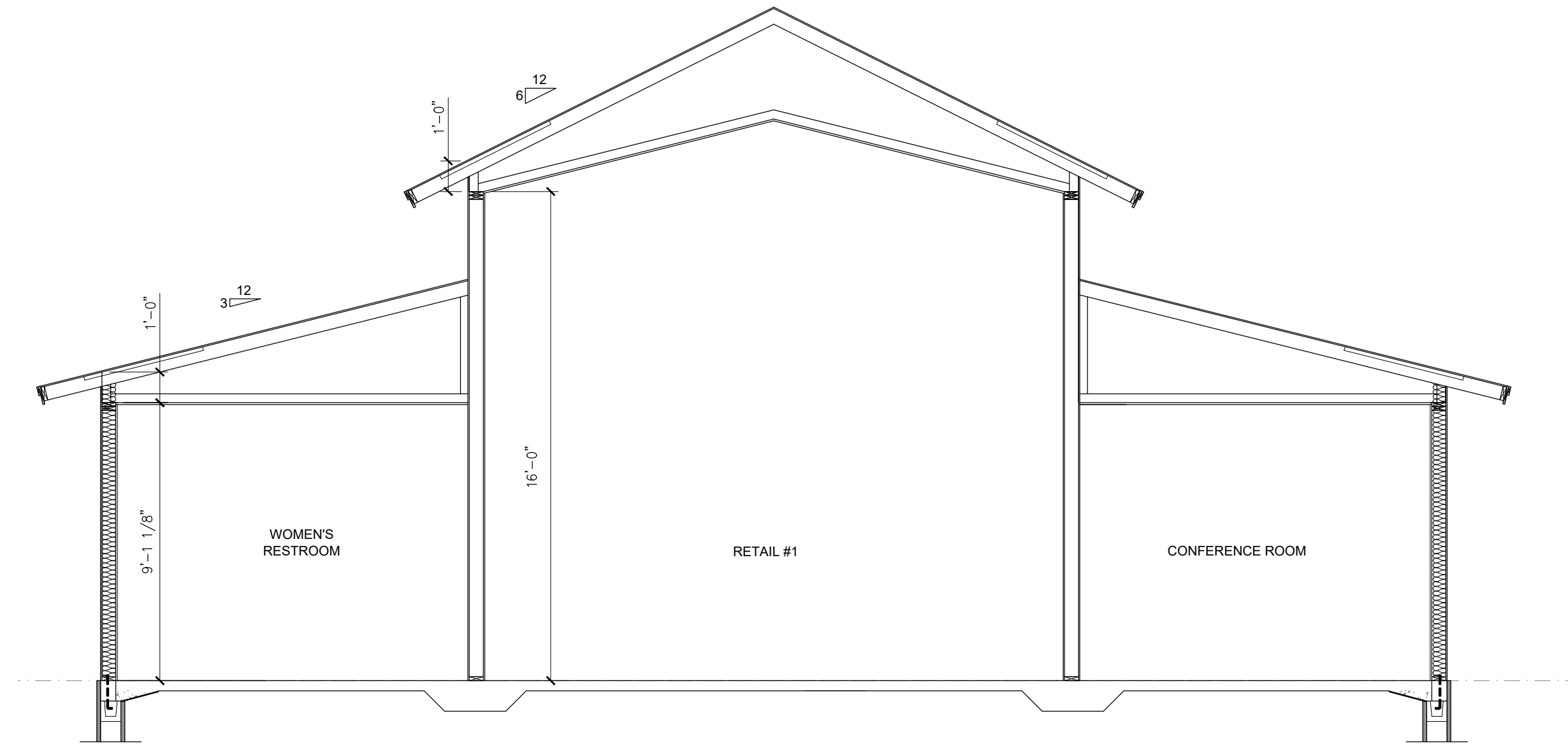
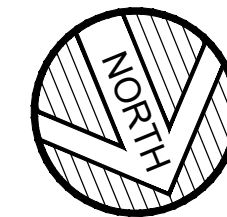
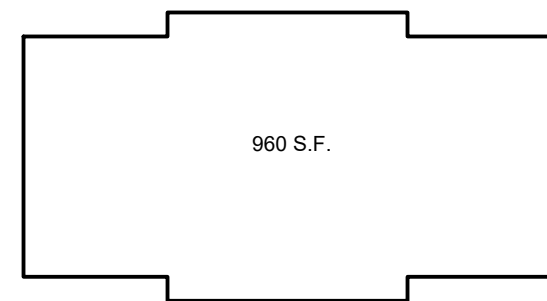
DATE:

LIC. # 45743

TRAVIS MILLER



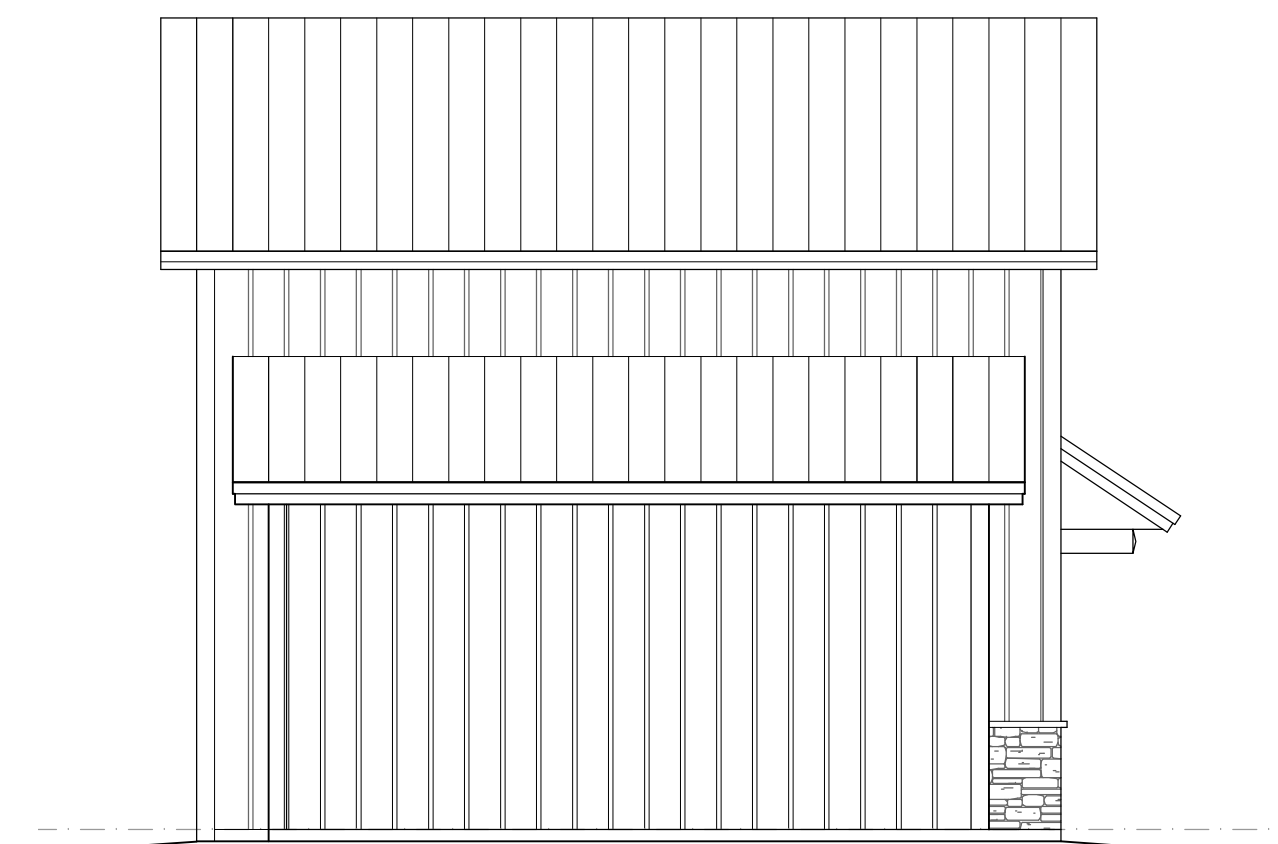
1 PRELIMINARY MAIN FLOOR PLAN - OPTION #1
1/4" = 1'-0" ON 24 X 36 PAPER



2 PRELIMINARY SECTION
1/4" = 1'-0" ON 24 X 36 PAPER



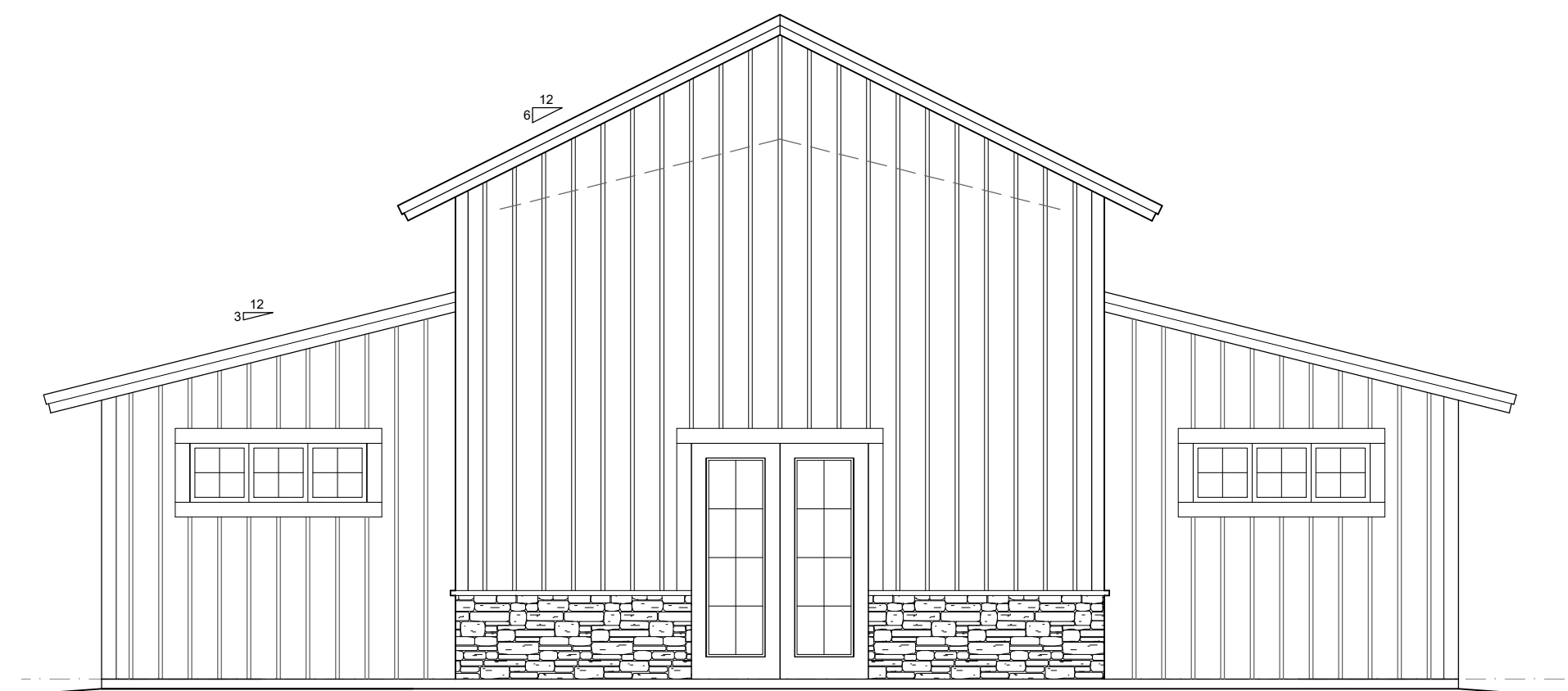
3 PRELIMINARY NORTHEAST ELEV.
3/16" = 1'-0" ON 24 X 36 PAPER



4 PRELIMINARY SOUTHEAST ELEV.
3/16" = 1'-0" ON 24 X 36 PAPER



5 PRELIMINARY NORTHWEST ELEV.
3/16" = 1'-0" ON 24 X 36 PAPER



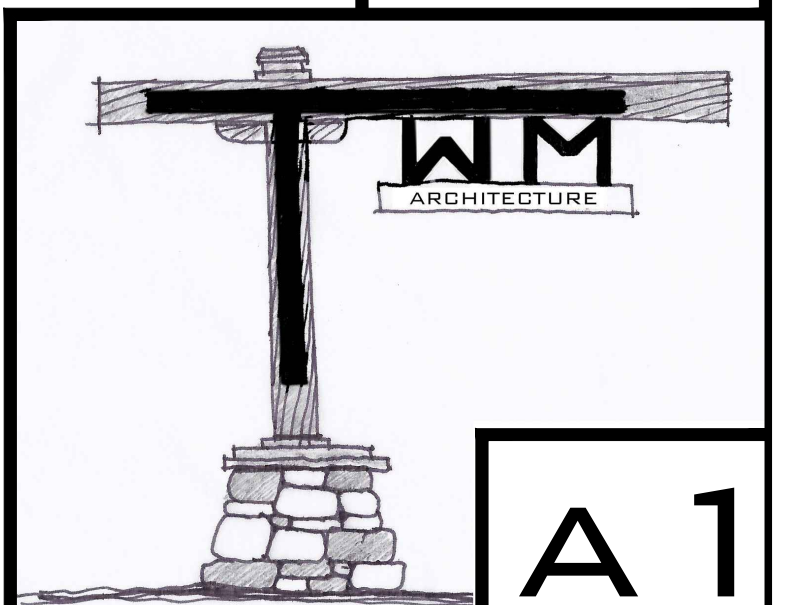
6 PRELIMINARY SOUTHWEST ELEV.
3/16" = 1'-0" ON 24 X 36 PAPER

6-11-20

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA

TRAVIS MILLER DATE: LIC. # 45743

JACOBSON EXCAVATING
OFFICE BUILDING
BRainerd, MN



A 1

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Joel and Grace Jacobson have submitted a request on behalf of Jacobson Excavating and Landscaping for a Conditional Use Permit for outdoor storage of landscaping materials at 3424 Oak St., Brainerd, MN 56401. The property is legally described as:

*Lot 3 Block 1 Together with an Esmnt of Rec, Timberland Addition to the City of Brainerd
P.I.N. 41290611
Section 29, Township 45, Range 30*

The property is zoned B-4 (General Business) District. A copy of the proposed site plan is on file for review with the Community Development Department.

A Public Hearing to consider this Conditional Use Permit request will be conducted by the Brainerd Planning Commission at 6:00 p.m. on Wednesday, July 15, 2020 in the Brainerd City Council Chambers located 501 Laurel St., Brainerd, MN 56401.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2307.

Dated this 1st day of July 2020

Publication Date: July 5, 2020

David C. Chanski, MPA
Community Development Director

Minnesota Wetland Conservation Act

Notice of Decision

Local Government Unit (LGU) Crow Wing SWCD	Address 322 Laurel St Suite 22, Brainerd, MN 56401
--	--

1. PROJECT

Applicant Name Joel Jacobson	Project Name Jacobson	Date of Application 6-28-18	Application Number RP_2018_01
☒ Attach site locator map.			

Type of Decision:

☐ Wetland Boundary or Type	☐ No-Loss	☐ Exemption	☒ Sequencing
☒ Replacement Plan	☐ Banking Plan		

Technical Evaluation Panel Findings and Recommendation (if any):

☐ Approve	☒ Approve with conditions	☐ Deny
Summary (or attach): <i>Attached</i>		

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: ☒ <i>7-18-18</i>	☐ Approved with conditions (include below)	☐ Denied
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LGU Findings and Conclusions:

Findings:

The proposed project is located at 3424 Oak St, Brainerd, MN. and will require wetland fill to accommodate a new business. Jacobson operates a landscaping business that he would like to expand. The current location is used for equipment storage, supplies, and materials. He would like to add a retail component but does not have the space at the existing location, visibility nor accessibility. The location proposed eliminates those issues and is near the current business which will remain and be used for additional off-site storage of landscaping equipment and supplies.

- The location is optimal for expansion with no other retail businesses that sell landscaping materials or plants in the area
- The applicant considered two other locations but they did not provide safe access nor retail exposure.
- The upland area at this location is surrounded by wetland and too small to accommodate the business.
- There are no alternatives in the area that could provide retail visibility and safely accommodate retail and delivery traffic.
- The proposed project is on a lot zoned commercial, located in the City of Brainerd
- The parking lot has been designed to minimize impacts by filling the smallest area needed for delivery vehicle turning radius (45 degrees), spacing for staff and customer parking, access to material in bins, greenhouses, and retail structures.
- City of Brainerd Planner and Engineer supported the site plan, agreed with access and space allocated

for safe traffic flow.

- The fill for this project will be completed in 2018.
- Crow Wing SWCD Staff reviewed the wetland delineation and found it to be accurate

The Crow Wing SWCD approves the fill as proposed and authorized according to MR 8420.0325,0330 0420 subject to the following conditions:

1. Appropriate erosion and sediment controls are in place prior to any dirt moving activity.
2. A signed Landowner Statement & Contractor Responsibility form is submitted to the SWCD prior to construction if the landowner is not doing the work himself.
3. If Blanding's turtles (a state listed threatened species) are encountered at the project area refer to attached information sheet for direction.
4. All applicable permits; Federal, State, and local are obtained prior to construction activity

The approval is subject to the applicant having legal access on the referenced parcels. The approved amount only applies to the parcel(s) which owner has legal access

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For Replacement Plans using credits from the State Wetland Bank:

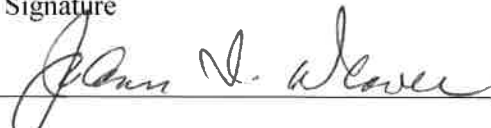
Bank Account # 1485	Bank Service Area 5	County Crow Wing	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre) 0.4703 Acre
-------------------------------	-------------------------------	----------------------------	--

Replacement Plan Approval Conditions. In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

- ☐ **Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).
- ☐ **Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.
- ☐ **Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

Wetlands may not be impacted until all applicable conditions have been met!

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.		
Name Beth Hippert <i>Diane Jacobson - chair SWCD</i>	Title Wetland Administrator City of Brainerd	
Signature 	Date 7-18-18	Phone Number and E-mail 218-628-6197

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT.
Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

☐ Appeal of an LGU staff decision. Send petition and \$_____fee (if applicable) to:	☒ Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155
--	--

4. LIST OF ADDRESSEES

- | |
|---|
| ☒ SWCD TEP member: Beth Hippert
☒ BWSR TEP member: Cade Steffenson
☒ LGU TEP member (if different than LGU Contact):
☒ DNR TEP member: Owen Baird
☒ DNR Regional Office (if different than DNR TEP member)
☐ WD or WMO (if applicable):
☒ Applicant and Landowner (if different)
☐ Members of the public who requested notice:

☒ Corps of Engineers Project Manager
☐ BWSR Wetland Bank Coordinator (wetland bank plan decisions only) |
|---|

5. MAILING INFORMATION

➤ For a list of BWSR TEP representatives: www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf

➤ For a list of DNR TEP representatives: www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf

➤ Department of Natural Resources Regional Offices:

NW Region:	NE Region:	Central Region:	Southern Region:
Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073

For a map of DNR Administrative Regions, see: http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf

➤ For a list of Corps of Project Managers: www.mvp.usace.army.mil/regulatory/default.asp?pageid=687
or send to:

US Army Corps of Engineers
St. Paul District, ATTN: OP-R
180 Fifth St. East, Suite 700
St. Paul, MN 55101-1678

- For Wetland Bank Plan applications, also send a copy of the application to:
Minnesota Board of Water and Soil Resources
Wetland Bank Coordinator
520 Lafayette Road North
St. Paul, MN 55155

6. ATTACHMENTS

In addition to the site locator map, list any other attachments:

- ☒ Project plan
- ☒ Blandings Turtle Fact Sheet
- ☒ FOF
- ☐
- ☐



Crow Wing Soil and Water Conservation District
322 Laurel St. Suite 22 • Brainerd, MN 56401

Minnesota Wetland Conservation Act Technical Evaluation Panel Findings Report

Meeting Date: 7/9/18 Onsite Date N/A LGU: Crow Wing SWCD City or TWP: Brainerd County: Crow Wing

Project Owner	Joel Jacobson, 13252 HWY 18, Brainerd	LGU Contact	Beth Hippert
Project Name	Jacobson	LGU Address	322 Laurel St Suite 22, Brainerd
Project Email	Jacobson.llc@gmail.com	LGU Email	Beth.hippert@crowwingswcd.org
Project Phone	218-851-1818	LGU Phone	218-828-6197
Project Location	3424 Oak St, Brainerd, MN	Project PIN	0926500100300009

Attendees: TEP

LGU:	Beth Hippert
SWCD:	Beth Hippert
BWSR:	Cade Steffenson
DNR	Owen Baird
ACOE	

Attendees: Other

Consultant	Mitch Brinks (Brinks Wetland Services LLC)
Applicant	Joel Jacobson
City Staff	
TWP Rep	
Other	Cody Mackcow

Project Description and Purpose of Meeting:

The purpose of the meeting was to evaluate a Sequencing and Replacement Application submitted by Mr Jacobson. The proposed project is located at 3424 Oak St, Brainerd, MN. and will require wetland fill to accommodate the new business. Jacobson operates a landscaping business that he would like to expand. The current location is used for equipment storage, supplies, and materials. He would like to add a retail component but does not have the space at the existing location, visibility nor accessibility. The location proposed eliminates those issues and is near the current business which will remain and be used for additional off-site storage of landscaping equipment and supplies.

Type of meeting: Check all applicable

Office ☒ On-Site ☐ Phone Conference ☐ E-mail ☐ Other ☐

TEP Findings and Recommendations:

- The location is optimal for expansion with no other retail businesses that sell landscaping materials or plants in the area
- The applicant considered two other locations but they did not provide safe access nor retail exposure.
- The upland area at this location is surrounded by wetland and too small to accommodate the business.
- There are no alternatives in the area that could provide retail visibility and safely accommodate retail and delivery traffic.
- The proposed project is on a lot zoned commercial, located in the City of Brainerd
- The parking lot has been designed to minimize impacts by filling the smallest area needed for delivery vehicle turning radius (45 degrees), spacing for staff and customer parking, access to material in bins, greenhouses, and retail structures.
- City of Brainerd Planner and Engineer supported the site plan, agreed with access and space allocated for safe traffic flow.
- The fill for this project will be completed in 2018.
- TEP agrees applicant has demonstrated concurrence with 8420.0325, 0330 and recommends approval of Jacobson Project, RP_2018_01

Signatures	<i>Beth Hippert</i>	7/11/18	<i>Cade Steffenson</i>	7-13-18
SWCD Representative		Date	BWSR Representative	Date
Do Not Concur ☐			Do Not Concur ☐	
<i>Beth Hippert</i>		7/11/18		
LGU Representative		Date	DNR Representative	Date
Do Not Concur ☐			Do Not Concur ☐	

PART ONE: Applicant Information

If applicant is an entity (company, government entity, partnership, etc.), an authorized contact person must be identified. If the applicant is using an agent (consultant, lawyer, or other third party) and has authorized them to act on their behalf, the agent's contact information must also be provided.

Applicant/Landowner Name: Joel Jacobson
Mailing Address: 13252 State Hwy 18, Brainerd, MN 56401
Phone: 218-851-1818
E-mail Address: jacobson.llc@gmail.com

Agent Name: Mitch Brinks (Brinks Wetland Services LLC)
Mailing Address: 11914 Joneswood Cir, Baxter, MN 56425
Phone: 218-820-9502
E-mail Address: mapsbymitch@gmail.com

PART TWO: Site Location Information

County: Crow Wing **City/Township:** Brainerd
Parcel ID and/or Address: 3424 Oak Street (PID: 092650010030009)
Legal Description (Section, Township, Range): Sec 29, Twp. 45, Rng. 30
Lat/Long (decimal degrees): Available upon request
Attach a map showing the location of the site in relation to local streets, roads, highways. Attached
Approximate size of site (acres) or if a linear project, length (feet): 3.5+/- acres

PART THREE: General Project/Site Information

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted **prior to** this application then describe that here and provide the Corps of Engineers project number.

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.

This is a replacement plan application for 20,486 sq. ft. of impacts to a type 2, fresh/sedge meadow for the relocation/expansion of Jacobson Excavating, a local Brainerd business. They are planning to begin selling more retail goods along with their current services and would like a high-volume traffic area with good exposure and enough space for ease of traffic flow in and out, loading and unloading delivery vehicles, storage bins for different varieties of mulch and soil, as well as outdoor displays and greenhouse space. Their business is currently east of town at our personal residence which doesn't allow them to sell retail goods, nor do they want to bring in extra traffic onto our property.

The fill for this project would be completed in 2018.

See attached narrative ("Jacobson Excavating and Landscaping, LLC. Description of the business needs")

PART FOUR: Aquatic Resource Impact¹ Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T) ¹	Size of Impact ²	Overall Size of Aquatic Resource ³	Existing Plant Community Type(s) in Impact Area ⁴	County, Major Watershed #, and Bank Service Area # of Impact Area ⁵
Wetland A	Wetland	Fill	P	20,486 sq. ft (0.4703 ac)	40+ acres	Fresh/Sedge Meadow (type 2)	Crow Wing County, Major Wshd #10, BSA 5

¹If impacts are temporary; enter the duration of the impacts in days next to the "T". For example, a project with a temporary access fill that would be removed after 220 days would be entered "T (220)".

²Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses). For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 50 ft (300 square feet).

³This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter "N/A".

⁴Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3rd Ed. as modified in MN Rules 8420.0405 Subp. 2.

⁵Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

N/A

PART FIVE: Applicant Signature

☐ Check here if you are requesting a pre-application consultation with the Corps and LGU based on the information you have provided. Regulatory entities will not initiate a formal application review if this box is checked.

By signature below, I attest that the information in this application is complete and accurate. I further attest that I possess the authority to undertake the work described herein.

Signature: _____

Date: 6-27-18

I also hereby authorize Mitch Brinks to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this application.

¹ The term "impact" as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.

Attachment A

Request for Delineation Review, Wetland Type Determination, or Jurisdictional Determination

By submission of the enclosed wetland delineation report, I am requesting that the U.S. Army Corps of Engineers, St. Paul District (Corps) and/or the Wetland Conservation Act Local Government Unit (LGU) provide me with the following (check all that apply):

☐ **Wetland Type Confirmation**

☐ **Delineation Concurrence.** Concurrence with a delineation is a written notification from the Corps and a decision from the LGU concurring, not concurring, or commenting on the boundaries of the aquatic resources delineated on the property. Delineation concurrences are generally valid for five years unless site conditions change. Under this request alone, the Corps will not address the jurisdictional status of the aquatic resources on the property, only the boundaries of the resources within the review area (including wetlands, tributaries, lakes, etc.).

☒ **Preliminary Jurisdictional Determination.** A preliminary jurisdictional determination (PJD) is a non-binding written indication from the Corps that waters, including wetlands, identified on a parcel may be waters of the United States. For purposes of computation of impacts and compensatory mitigation requirements, a permit decision made on the basis of a PJD will treat all waters and wetlands in the review area as if they are jurisdictional waters of the U.S. PJDs are advisory in nature and may not be appealed.

☐ **Approved Jurisdictional Determination.** An approved jurisdictional determination (AJD) is an official Corps determination that jurisdictional waters of the United States are either present or absent on the property. AJDs can generally be relied upon by the affected party for five years. An AJD may be appealed through the Corps administrative appeal process.

In order for the Corps and LGU to process your request, the wetland delineation must be prepared in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, any approved Regional Supplements to the 1987 Manual, and the *Guidelines for Submitting Wetland Delineations in Minnesota* (2013).

<http://www.mvp.usace.army.mil/Missions/Regulatory/DelineationJDGuidance.aspx>

Attachment C

Avoidance and Minimization

Project Purpose, Need, and Requirements. Clearly state the purpose of your project and need for your project. Also include a description of any specific requirements of the project as they relate to project location, project footprint, water management, and any other applicable requirements. Attach an overhead plan sheet showing all relevant features of the project (buildings, roads, etc.), aquatic resource features (impact areas noted) and construction details (grading plans, storm water management plans, etc.), referencing these as necessary:

See attached narrative ("Jacobson Excavating and Landscaping, LLC. Description of the business needs")

Avoidance. Both the CWA and the WCA require that impacts to aquatic resources be avoided if practicable alternatives exist. Clearly describe all on-site measures considered to avoid impacts to aquatic resources and discuss at least two project alternatives that avoid all impacts to aquatic resources on the site. These alternatives may include alternative site plans, alternate sites, and/or not doing the project. Alternatives should be feasible and prudent (see MN Rules 8420.0520 Subp. 2 C). Applicants are encouraged to attach drawings and plans to support their analysis:

Several alternatives have been considered that would avoid the wetland impacts:

1. **No Build.** By not purchasing this property, Mr. Jacobson would be forced to continue to use his existing home east of town on Highway 18 for his business, which has outgrown that space or continue looking for a site that is suitable.
2. **Bridge across the wetland.** Because the main usable, upland area on the site is surrounded by wetlands, the only other way to access the property without impacting wetland would be to construct a bridge. However, this would significantly limit the size of Mr. Jacobson's operation, and would cause safety and traffic flow concerns with vehicular traffic forced into a narrow area while having to turn around in the main usable upland area. There would be little to no room left for the business. In addition, this would add significant cost to the project.

Minimization. Both the CWA and the WCA require that all unavoidable impacts to aquatic resources be minimized to the greatest extent practicable. Discuss all features of the proposed project that have been modified to minimize the impacts to water resources (see MN Rules 8420.0520 Subp. 4):

The impacts needed for the project were minimized as much as feasible in order to accomplish the project purpose by the following:

- The proposed impacts are concentrated in the area between the two main upland parts of the site while leaving the remainder of the wetland intact. This is the most efficient use of space that accommodates the project purpose because it centralizes the building while allowing the open spaces around the building to be used for multiple purposes including: traffic flow for trucks/trailers, backing up/loading of materials from the greenhouses and material bins, and allowing for product storage during the less busy times. The edges and more difficult to access parts of this centralized business area will be used for stormwater management and employee parking. The amount of parking and stormwater management were determined by conversations with the City of Brainerd and Anderson Brothers Construction.
- This is a reduction of the earlier impact estimate of 23,000+ sq. ft.

Off-Site Alternatives. An off-site alternatives analysis is not required for all permit applications. If you know that your proposal will require an individual permit (standard permit or letter of permission) from the U.S. Army Corps of Engineers, you may be required to provide an off-site alternatives analysis. The alternatives analysis is not required for a complete application but must be provided during the review process in order for the Corps to complete the evaluation of your application and reach a final decision. Applicants with questions about when an off-site alternatives analysis is required should contact their Corps Project Manager.

Mr. Jacobson looked at several other alternate sites for his business. These are explained in the attached narrative: "Jacobson Excavating and Landscaping, LLC. Description of the business needs."

Attachment D

Replacement/Compensatory Mitigation

Complete this part *if* your application involves wetland replacement/compensatory mitigation not associated with the local road wetland replacement program. Applicants should consult Corps mitigation guidelines and WCA rules for requirements.

Replacement/Compensatory Mitigation via Wetland Banking. Complete this section if you are proposing to use credits from an existing wetland bank (with an account number in the State wetland banking system) for all or part of your replacement/compensatory mitigation requirements.

Wetland Bank Account #	County	Major Watershed #	Bank Service Area #	Credit Type (if applicable)	Number of Credits
Aitkin Highway Dept.	Aitkin	10	5	NWC	0.4703

Applicants should attach documentation indicating that they have contacted the wetland bank account owner and reached at least a tentative agreement to utilize the identified credits for the project. This documentation could be a signed purchase agreement, signed application for withdrawal of credits or some other correspondence indicating an agreement between the applicant and the bank owner. *However, applicants are advised not to enter into a binding agreement to purchase credits until the mitigation plan is approved by the Corps and LGU.*

Project-Specific Replacement/Permittee Responsible Mitigation. Complete this section if you are proposing to pursue actions (restoration, creation, preservation, etc.) to generate wetland replacement/compensatory mitigation credits for this proposed project.

WCA Action Eligible for Credit ¹	Corps Mitigation Compensation Technique ²	Acres	Credit % Requested	Credits Anticipated ³	County	Major Watershed #	Bank Service Area #

¹Refer to the name and subpart number in MN Rule 8420.0526.

²Refer to the technique listed in *St. Paul District Policy for Wetland Compensatory Mitigation in Minnesota*.

³If WCA and Corps crediting differs, then enter both numbers and distinguish which is Corps and which is WCA.

Explain how each proposed action or technique will be completed (e.g. wetland hydrology will be restored by breaking the tile.....) and how the proposal meets the crediting criteria associated with it. Applicants should refer to the Corps mitigation policy language, WCA rule language, and all associated Corps and WCA guidance related to the action or technique:

Attach a site location map, soils map, recent aerial photograph, and any other maps to show the location and other relevant features of each wetland replacement/mitigation site. Discuss in detail existing vegetation, existing landscape features, land use (on and surrounding the site), existing soils, drainage systems (if present), and water sources and movement. Include a topographic map showing key features related to hydrology and water flow (inlets, outlets, ditches, pumps, etc.):

**PURCHASE AGREEMENT
FOR
WETLAND BANKING CREDITS**

THIS PURCHASE AGREEMENT is made this 26th day of June 2018 between the Aitkin County Highway Department (Seller) and Joel Jacobson (Buyer).

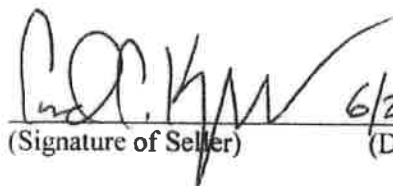
1. Seller agrees to sell to Buyer and Buyer agrees to buy from Seller, the wetland banking credits (Credits) listed below:

CREDITS TO BE SOLD					
Credit Sub-Group ¹	Wetland Circ. 39 Type ²	Plant Community Type ³	Acres	Cost per acre	Cost Estimate
B	2	Sedge Meadow	0.4703	\$19,602.00	\$9,218.82
Totals			0.4703	\$19,602.00	\$9,218.82
☐ Check here if additional credit sub-groups are part of this account and are listed on an attachment to this document. ¹ A separate credit sub-group shall be established for each wetland or wetland area that has different wetland characteristics. ² Circular 39 types: 1, 1L, 2, 3, 4, 5, 6, 7, 8, B, U. ³ Wetland plant community type: shallow open water, deep marsh, shallow marsh, sedge meadow, fresh meadow, wet to wet-mesic prairie, calcareous fen, open bog or coniferous bog, shrub-carr/alder thicket, hardwood swamp or coniferous swamp, floodplain forest, seasonally flooded basin. See <i>Wetland Plants and Plant Communities of Minnesota and Wisconsin (Eggers and Reed, 1997)</i> as modified by the Board of Water and Soil Resources, United States Army Corps of Engineers..					

Withdrawal/Stewardship Fee	
Total Acres of Credits to Be Sold [*]	0.4703
BWSR Withdrawal Fee of \$685 per Credit (acre) [^]	\$322.16
BWSR Easement Stewardship Fee of \$302 per Credit (acre) [^]	\$142.03
Total Fee	\$464.19
[*] Square Feet to Acre Conversion Factor = 1/43,560 [^] Based on BWSR Withdrawal Fee Schedule for Bank Service Area (BSA) 5 [^] Based on BWSR Easement Stewardship Fee	

2. Seller represents and warrants as follows:
- The US Army Corps of Engineers (USACE) approved Wetland Credits are deposited in an account (1485) in the Minnesota Wetland Bank administered by the Minnesota Board of Water and Soil Resources (BWSR) pursuant to Minn. Rules Chapter 8420.0700-.0760.
 - Seller owns the Credits and has the right to sell the Credits to Buyer.

3. Buyer will pay Seller a total of **\$9,218.82** for the Wetland Banking Credits payable to Aitkin County **AND** Buyer also agrees to pay the BWSR Withdrawal Fee of \$322.16 & the BWSR Easement Stewardship Fee of \$142.03 for a total of **\$464.19** payable to the Minnesota Board of Water and Soil Resources.
4. The closing of the purchase and sale shall occur within 5 business days after the Local Governmental Unit (LGU) Authorization is received. Upon payment of the purchase price, Seller will sign a fully executed Transaction Form to Withdraw Credits as specified by BWSR, provide a copy of the signed Transaction Form to Withdraw Credits to the Buyer and forward the same to BWSR along with the payment for the Withdrawal/Stewardship Fees.
5. Buyer has applied or will apply to the LGU (or other regulatory authority) for approval of a replacement plan utilizing the above listed Credits as the means of replacing impacted wetlands. If the LGU does not approve the Buyer's application for a replacement plan utilizing these Credits, then either Buyer or Seller may cancel this Agreement by giving written notice to the other. In this case, neither Buyer nor Seller shall have any further obligations under this Agreement.


(Signature of Seller) 6/26/2018
(Date)


(Signature of Buyer) 6-27-18
(Date)

Transaction Form to Withdraw Credits

If the layout of this form looks incorrect, click on View, Edit Document, then save it to your

1. Credit User		<i>This space for BWSR use only.</i>
Name: Joel Jacobson	Organization: Jacobson Excavating	
Address: 13252 State Hwy 18 Brainerd, MN 56401	Email: jacobson.llc@gmail.com	
Phone: 218-851-1818	LGU File #:	
Consultant: Mitch Brinks (Brinks Wetland Services LLC)		

2. Wetland Impact Information	
To be completed for the project impacting wetlands and with which this withdrawal is intended to replace.	
Project Name: Jacobson Excavating: Hwy 25 Site	Impact Size (acres): 0.4703
Impact County: Crow Wing	Impact Wetland type: Type 2-Sedge/Fresh Meadow
Impact Major Watershed/BSA: 10 / 5	Replacement Ratio: 1:1
Sec/Twp/Range: Sec 29 / Twp 45N / Range 30W	
*Projects with multiple locations should use the most central location in relation to the project as a whole.	
Are Federally authorized credits required for this impact? Yes	
Corps Regulatory File Number:	MVP-
Comments:	

3. Credits to be Withdrawn To be completed by the seller of the credits (account holder)				
Account Information				
Account: 1485		County: Aitkin		Bank Service Area: 5
Credit Subgroup	Wetland Type/Plant Community Type	Federally Approved?	Cost per Credit	Credit Amounts
B	Type 2 Wetland / Sedge Meadow	Yes	\$19,602.00	0.4703
Per Credit Withdrawal Fee by BSA			Enter the Withdrawal Fee for the BSA of the account:	Cost of Credits: \$9,218.82
BSA 1 \$520	BSA 6 \$1,083			(Withdrawal Fee x total credits)
BSA 2 \$371	BSA 7 \$1,992	\$685.00		Withdrawal Fee: \$322.16
BSA 3 \$725	BSA 8 \$2,577	Easement Stewardship Fee:		(Easement Stewardship fee x total credits)
BSA 4 \$1,412	BSA 9 \$2,628	\$302.00		Stewardship Fee: \$142.03
BSA 5 \$685	BSA 10 \$3,099			Total Fees: \$464.19

Please make checks payable to the Minnesota Board of Water and Soil Resources. BWSR does not accept cash.

Project Name: Jacobson Excavating Hwy 25 Site

Confirmation email will be emailed to the user, seller, and regulatory representative when the transaction is complete.
If anyone else should be notified please indicated their emails below:

BWSR fee policy: http://www.bwsr.state.mn.us/wetlands/wetlandbanking/fee_and_sales_data/Wetland_Banking_Fee_Policy_Effective_June1_2017.pdf

4. Regulatory Authorization

By signing below, the identified agency and authorized representative hereby certifies that they have: a) verified that the subject wetland credits are deposited in the account of the owner/seller, b) approved a wetland replacement plan or similar agreement under their jurisdiction, and c) approve the proposed use of the wetland bank credit described above.

WCA LGU/Agency: Crow Wing SWCD

LGU Representative: BETH HIPPERT



Email Address:

Signature

Date

For NRCS, DNR, etc. as applicable

Agency Name and Location:

Representative:

Email Address:

Signature

Date

5. Credit User Signature

By signing below the proposed credit user attests that he/she owns or has purchased the credits identified in this form and has received approval from the regulatory authority(ies).

Signature

Date

6. Account Holder Signature

By signing below I, the seller and holder of the aforementioned account in the State of Minnesota Wetland Mitigation Bank, certify that:

- 1) The credits described in this transaction form have been sold to the credit user or will be used for my own project;
- 2) I have received payment in full from the buyer (if applicable);
- 3) The credits described in this transaction form have not been sold or used in any way to mitigate wetland losses other than for the project and location identified in the wetland impact information block on the previous page;
- 4) The credits described in this application should be withdrawn from my account; and
- 5) I will not have a negative balance of credits after the subject credits are debited from my account.

Disclaimer: All transactions in the Wetland Bank system are public information

Name/Representative: Conrad Kragness

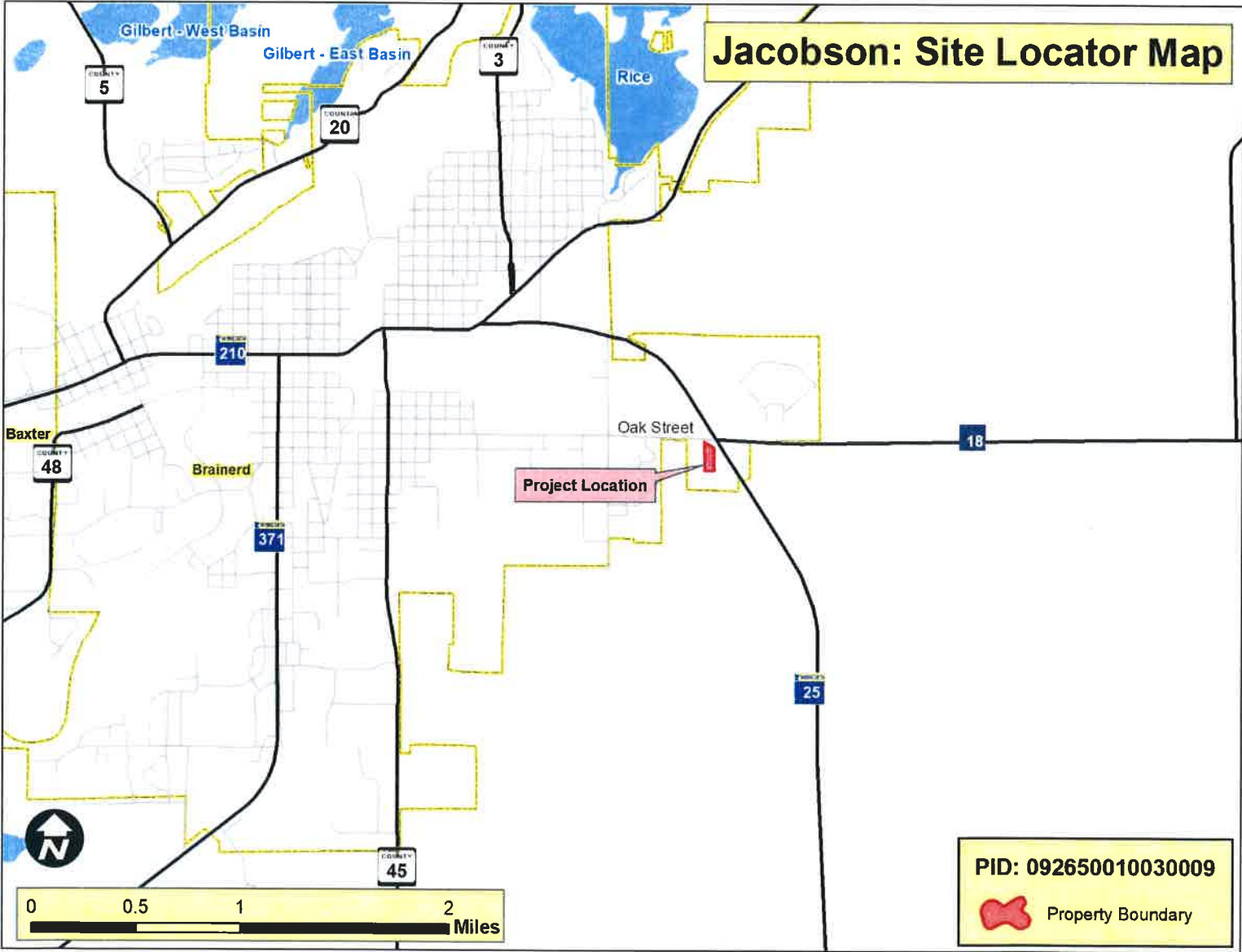
Email Address: conrad.kragness@co.aitkin.mn.us

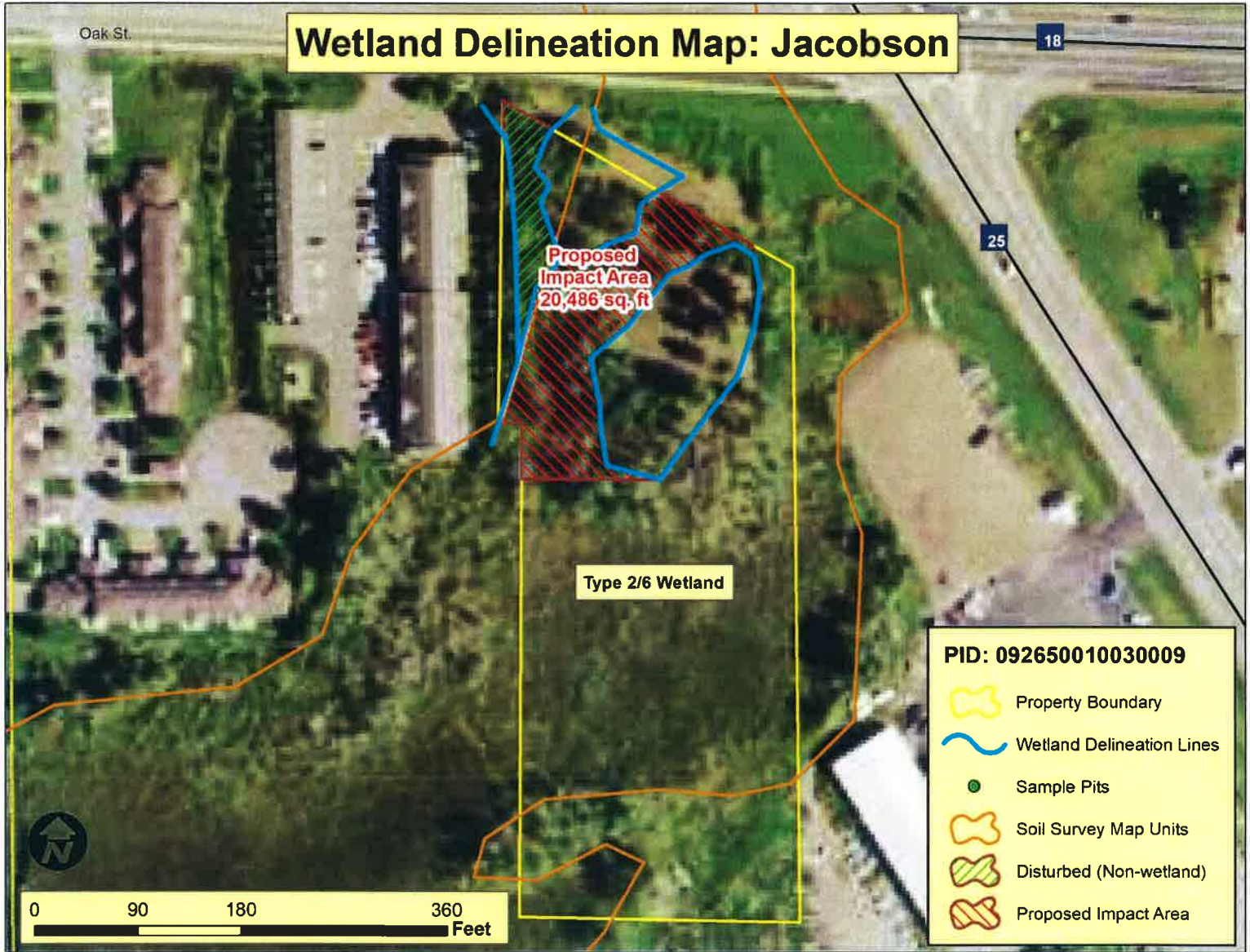
Signature

Date

Send complete forms and fee payments to:

Wetland Bank Administration
Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155





Oak St.

Proposed Wetland Impacts Map: Jacobson

18

25

Non-Hydric Soil

Hydric Soil

Disturbed
(Non-wetland)

UPLAND
5167 sq. ft
(0.12 ac)

UPLAND
6952 sq. ft
(0.16 ac)

Proposed
Impact Area
20,486 sq. ft

UPLAND
2682 sq. ft
(0.065 ac)

UPLAND
18,111 sq. ft
(0.42 ac)

PID: 092650010030009

-  Property Boundary
-  Wetland Delineation Lines
-  Sample Pits
-  Soil Survey Map Units
-  Disturbed (Non-wetland)
-  Proposed Impact Area

0 50 100 200
Feet

CUSTOMER VEHICLE FLOW

30X50 OFFICE
BUILDING

ASPHALT AREA

COVERED PORCH

RETENTION POND #1
APPROXIMATELY 1800 SF AT 2' DEEP

PARKING
STALLS

LANDSCAPE PATIOS/
OUTDOOR DISPLAYS

STAFF PARKING
AREA

RETENTION AREA #3
APPROXIMATELY 600 SF AT 2' DEEP

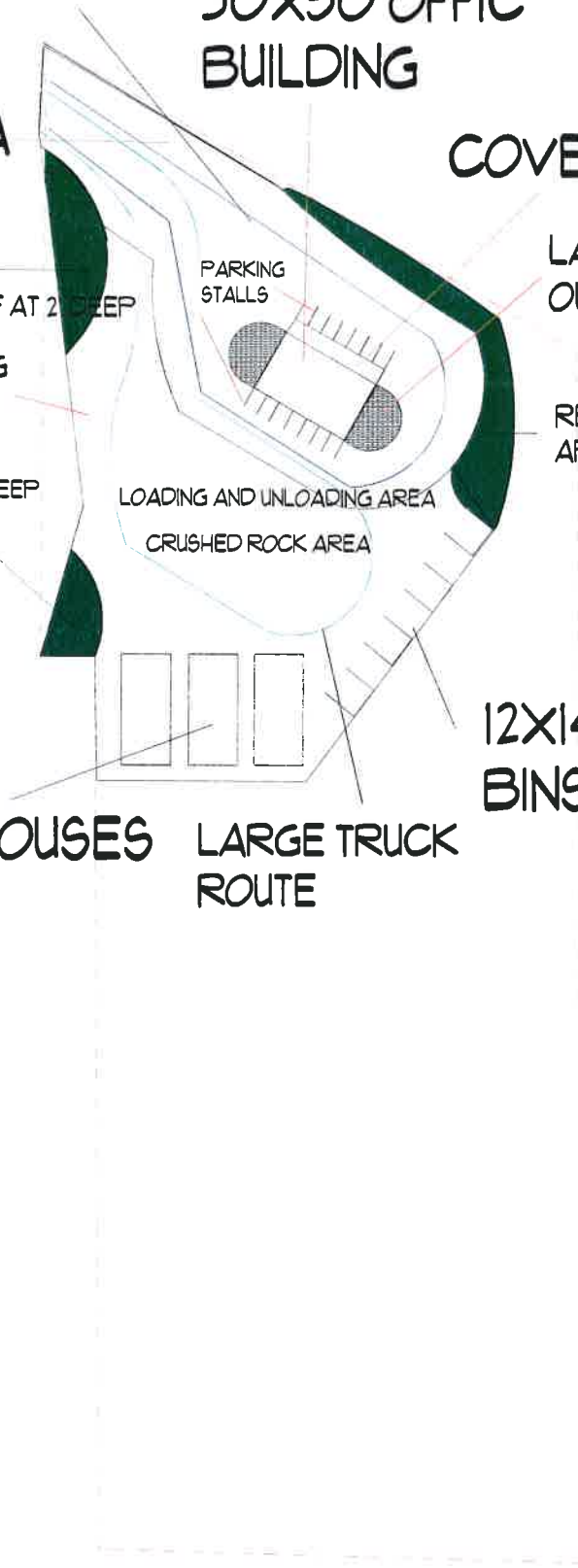
RETENTION POND #2
APPROXIMATELY 2100 SF AT 2' DEEP

LOADING AND UNLOADING AREA
CRUSHED ROCK AREA

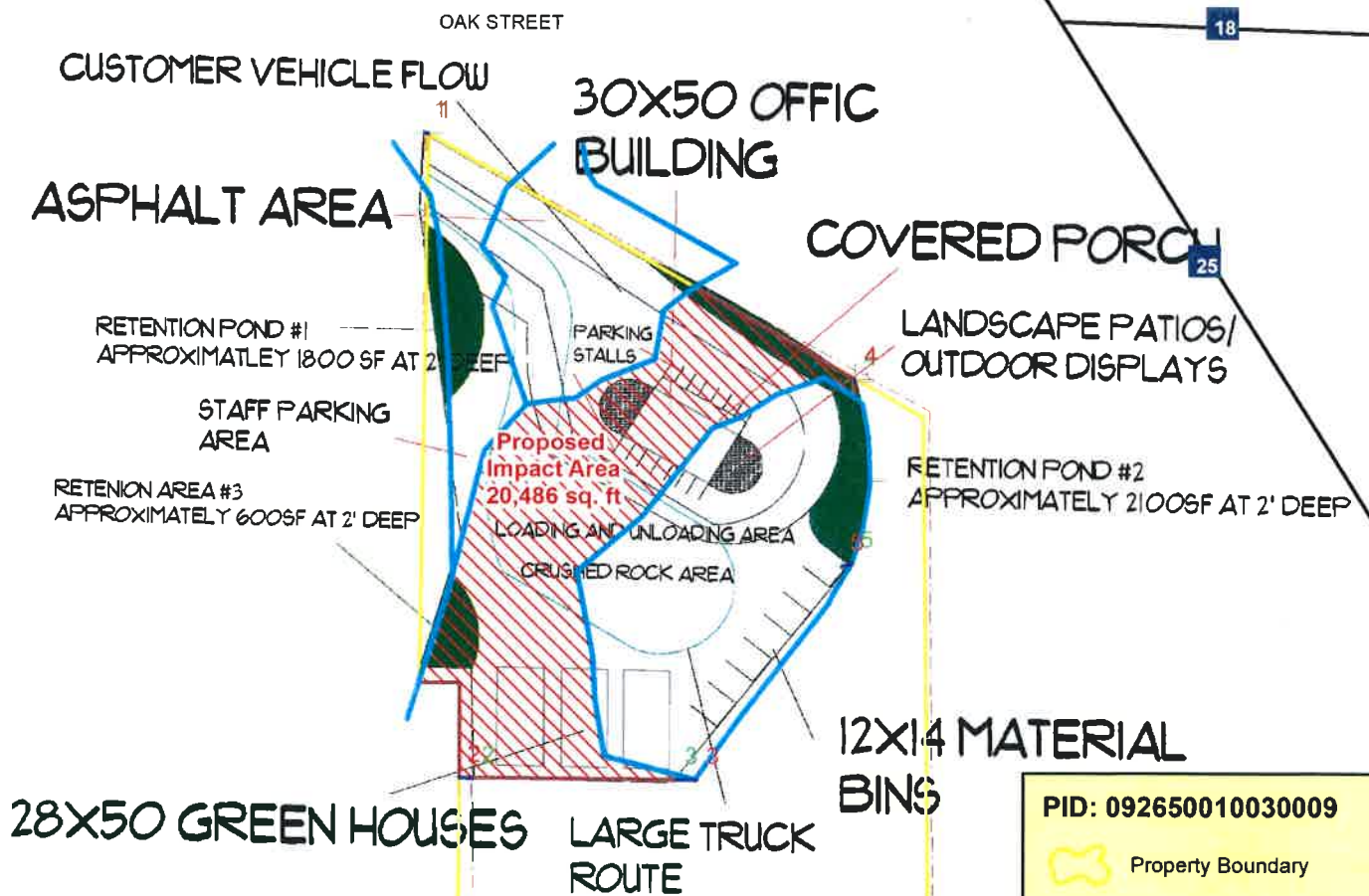
12X14 MATERIAL
BINS

28X50 GREEN HOUSES

LARGE TRUCK
ROUTE



Proposed Wetland Impacts Map: Jacobson



Jacobson Excavating and Landscaping, LLC.

Description of the business needs

We are planning to begin selling more retail goods along with our current services. We would like a high-volume traffic area with good exposure and enough space for ease of traffic flow in and out, loading and unloading delivery vehicles, storage bins for different varieties of mulch and soil, as well as outdoor displays and greenhouse space. Our business is currently east of town at our personal residence which doesn't allow us to sell retail goods, nor do we want to bring in extra traffic onto our property.

We looked at a parcel on 3 Mile Road and State Hwy 18. This lot is 5 acres but has an overhead powerline easement through the center of the property. It also does not have the controlled intersection we desire for traffic entering and exiting the business. The speed limit on State Hwy 18 is 60 MPH. We also looked at a lot on 2 Mile Road and State Hwy 18. This lot is a little less than an acre; it has the similar issue of access as the 3 Mile property. The additional issue with this site is that it sits in somewhat of a hole. Both these sites do not have the volume of traffic that the lot we are looking at does. With the retail idea we have these sites do not provide the exposure we would need to be successful. We did inquire about the lots on the NE corner of State Hwy 18 and 25. Rod Converse told us that they didn't have a price listed on those lots at that time as the owner was holding out for another big-name business like the Zeigler dealer just down the road. We did not look in other directions as we feel our business needs to be in this geographical area. This is the area we service, and we see a need for this type of business here.

I did some research on the turning radius of an 18-wheeler with a 62' wheel base. The turning radius is 45' creating the need for 90' at minimum to turn around. I would like the ability to do this behind the building. With the proposed retention ponds and customer traffic flow there would not be enough room to drive a semi around the building. I would also like to avoid turning that sharply on the asphalt. We currently have approximately 91' at the narrowest point between the greenhouse and parking stalls.

I met with the Mark Ostgarden and Paul Sandy from the City of Brainerd to review my site plan. They liked the traffic flow pattern around the building, number of parking spaces, black top area as well as the crushed rock surface. They had no issues with the storage bins, greenhouses, or their locations. The areas in question would be final siding/roofing materials and other basic construction details.

In regard to the stormwater on this site Paul Sandy explained their requirements to me. He explained that Anderson Brothers figures worst case scenario of a 6" rain event. With what I have proposed here is our proposed storage:

Total volume of retention ponds 4500 SF @3.5' deep= 15,750 Cubic feet.
Storage = 117,810 gallons

43,000 SF of impervious.

1" rain event equals-26,800 gallons

6" rain event equals-106,800 gallons

Thank you for your consideration. I hope you can see that we need and will make full use of the space we are requesting and that what we are planning to do will not only support a needed service in the area but will do it in a way that is responsible and sensitive to the impacts of the environment.



Landowner Statement and Contractor Responsibility For Work in Wetlands or Public Waters



MN Statutes Sections 103G.2212 and 103G.241 stipulate that an agent or employee of another may not:

- 1) drain, excavate, or fill a wetland, wholly or partially; or
- 2) construct, reconstruct, remove, or make any change in any reservoir, dam, or the course, current, or cross-section of any public water;

unless the agent or employee has obtained a signed statement from the property owner stating that any permit or wetland replacement plan required for the work has been obtained, or that a permit or replacement plan is not required; **AND** this statement is mailed to the appropriate office with jurisdiction over the wetland or public water prior to initiating the work (see next page for information on where to send this notification).

This form is a notification only and is not an application or authorization for any activities described in it.

1. PROJECT INFORMATION

Project will affect (check all that apply):

☐ Lake, Watercourse, or Public Waters Wetland ☐ Non-Public Waters Wetland ☐ Wetland of Unknown Jurisdiction

Address or description of project location (attach map if necessary):

Legal address

County	Gov't Lot(s)	Quarter Section(s)	Section(s)	Township(s)	Range(s)	Lot, Block, Subd.

Description of proposed work (include sketch and/or attach additional pages if needed):

--

2. LANDOWNER STATEMENT

I certify that, as the owner of the property listed on this form (check one):

- ☐ I have obtained all permits or approvals required to perform the work described above.
☐ No permits or approvals are required for this work.

Property Owner (Print Name)	Address	
Signature	Date	Phone Number and E-mail Address (Optional)

3. CONTRACTOR VERIFICATION

By signing below, I verify that I have received a signed copy of this form and will be performing the indicated work as described above.

Company and Individual Performing Proposed Work (Print)	Address	
Signature	Date	Phone Number and E-mail Address (Optional)

Note: The contractor is responsible for ensuring this form is mailed to the appropriate office when complete.

This statement is invalid if any of the above information is not supplied or is inaccurate. Work in violation of this notification requirement is a separate and independent offense from other violations of Minnesota Statutes chapter § 103G and is a misdemeanor punishable by fines up to \$1,000 and/or 90 days in jail. The State Department of Natural Resources (DNR) Commissioner also has the authority to require restoration of any work done without the necessary permits or approvals or work that is beyond what was authorized.

4. INFORMATION AND RESOURCES

A Wetland Conservation Act (WCA) replacement plan is required for any wetland draining, excavation, or filling activity that is not exempt under Minnesota Rules Chapter 8420.0420. A DNR Waters permit is required for any work in public waters.

National wetland inventory maps are available for review at the County Soil and Water Conservation District (SWCD) office and online at <http://www.fws.gov/wetlands/Data/Mapper.html>. Many wetlands are not identified on the maps but are still restricted from draining, excavating, or filling. If you are unsure the proposed work will affect a wetland, contact your local government unit (LGU) or SWCD for assistance.

Public Waters of the State of Minnesota include the channel to the top of the channel bank for watercourses and the basin from the ordinary high water level waterward for public waters (i.e. lakes) and public waters wetlands. Public waters inventory maps are available for review at the County Auditor's office, DNR Division of Waters regional offices, and online at http://www.dnr.state.mn.us/waters/watermgmt_section/pwi/download.html.

General information about public waters, wetlands, and related regulations are available on the DNR website at <http://mndnr.gov> and the MN Board of Water and Soil Resources (BWSR) website at <http://www.bwsr.state.mn.us>.

5. WHERE TO SEND THIS NOTIFICATION

- For work in public waters (lake, watercourse, or public waters wetland), send this completed form to the DNR Regional Enforcement Office serving the project's area. See below for DNR regional office information. A map of DNR regions can be found on the DNR website at: http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf
- For work in any wetland that is not a public waters wetland, send this completed form to the WCA LGU with jurisdiction over the project area. The LGU is usually the County or SWCD, except in urban areas the City is often the LGU. Contact any of these local governments or BWSR for assistance. BWSR also maintains a list of LGUs on its website at: <http://www.bwsr.state.mn.us/directories/WCA.pdf>.
- If it is not known if the wetland is a public waters wetland, send the completed form to both the DNR Regional Enforcement Office and the WCA LGU.

Department of Natural Resources Regional Offices

Northwest Region: 2115 Birchmont Beach Rd. NE Bemidji, MN 56601 Phone: 218-308-2700	Northeast Region: 1201 E. Hwy. 2 Grand Rapids, MN 55744 Phone: 218-327-4455	Central Region: 1200 Warner Road St. Paul, MN 55106 Phone: 651-259-5800	Southern Region: 261 Hwy. 15 South New Ulm, MN 56073 Phone: 507-359-6000
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Keep a copy of this form for your records!

CAUTION



BLANDING'S TURTLES MAY BE ENCOUNTERED IN THIS AREA

The unique and rare Blanding's turtle has been found in this area. Blanding's turtles are state-listed as Threatened and are protected under Minnesota Statute 84.095, Protection of Threatened and Endangered Species. Please be careful of turtles on roads and in construction sites. For additional information on turtles, or to report a Blanding's turtle sighting, contact the DNR Nongame Specialist nearest you: Bemidji (218-308-2641); Grand Rapids (218-327-4518); New Ulm (507-359-6033); Rochester (507-280-5070); or St. Paul (651-259-5764).

DESCRIPTION: The Blanding's turtle is a medium to large turtle (5 to 10 inches) with a black or dark blue, dome-shaped shell with muted yellow spots and bars. The bottom of the shell is hinged across the front third, enabling the turtle to pull the front edge of the lower shell firmly against the top shell to provide additional protection when threatened. The head, legs, and tail are dark brown or blue-gray with small dots of light brown or yellow. A distinctive field mark is the bright yellow chin and neck.

**BLANDING'S TURTLES DO NOT MAKE GOOD PETS
IT IS ILLEGAL TO KEEP THIS THREATENED SPECIES IN CAPTIVITY**

Environmental Review Fact Sheet Series

Endangered, Threatened, and Special Concern Species of Minnesota

Blanding's Turtle (*Emydoidea blandingii*)

Minnesota Status: Threatened
Federal Status: none

State Rank¹: S2
Global Rank¹: G4

HABITAT USE

Blanding's turtles need both wetland and upland habitats to complete their life cycle. The types of wetlands used include ponds, marshes, shrub swamps, bogs, and ditches and streams with slow-moving water. In Minnesota, Blanding's turtles are primarily marsh and pond inhabitants. Calm, shallow water bodies (Type 1-3 wetlands) with mud bottoms and abundant aquatic vegetation (e.g., cattails, water lilies) are preferred, and extensive marshes bordering rivers provide excellent habitat. Small temporary wetlands (those that dry up in the late summer or fall) are frequently used in spring and summer -- these fishless pools are amphibian and invertebrate breeding habitat, which provides an important food source for Blanding's turtles. Also, the warmer water of these shallower areas probably aids in the development of eggs within the female turtle. Nesting occurs in open (grassy or brushy) sandy uplands, often some distance from water bodies. Frequently, nesting occurs in traditional nesting grounds on undeveloped land. Blanding's turtles have also been known to nest successfully on residential property (especially in low density housing situations), and to utilize disturbed areas such as farm fields, gardens, under power lines, and road shoulders (especially of dirt roads). Although Blanding's turtles may travel through woodlots during their seasonal movements, shady areas (including forests and lawns with shade trees) are not used for nesting. Wetlands with deeper water are needed in times of drought, and during the winter. Blanding's turtles overwinter in the muddy bottoms of deeper marshes and ponds, or other water bodies where they are protected from freezing.

LIFE HISTORY

Individuals emerge from overwintering and begin basking in late March or early April on warm, sunny days. The increase in body temperature which occurs during basking is necessary for egg development within the female turtle. Nesting in Minnesota typically occurs during June, and females are most active in late afternoon and at dusk. Nesting can occur as much as a mile from wetlands. The nest is dug by the female in an open sandy area and 6-15 eggs are laid. The female turtle returns to the marsh within 24 hours of laying eggs. After a development period of approximately two months, hatchlings leave the nest from mid-August through early-October. Nesting females and hatchlings are often at risk of being killed while crossing roads between wetlands and nesting areas. In addition to movements associated with nesting, all ages and both sexes move between wetlands from April through November. These movements peak in June and July and again in September and October as turtles move to and from overwintering sites. In late autumn (typically November), Blanding's turtles bury themselves in the substrate (the mud at the bottom) of deeper wetlands to overwinter.

IMPACTS / THREATS / CAUSES OF DECLINE

- loss of wetland habitat through drainage or flooding (converting wetlands into ponds or lakes)
- loss of upland habitat through development or conversion to agriculture
- human disturbance, including collection for the pet trade* and road kills during seasonal movements
- increase in predator populations (skunks, raccoons, etc.) which prey on nests and young

*It is illegal to possess this threatened species.

RECOMMENDATIONS FOR AVOIDING AND MINIMIZING IMPACTS

These recommendations apply to typical construction projects and general land use within Blanding's turtle habitat, and are provided to help local governments, developers, contractors, and homeowners minimize or avoid detrimental impacts to Blanding's turtle populations. **List 1** describes minimum measures which we recommend to prevent harm to Blanding's turtles during construction or other work within Blanding's turtle habitat. **List 2** contains recommendations which offer even greater protection for Blanding's turtles populations; this list should be used *in addition to the first list* in areas which are known to be of state-wide importance to Blanding's turtles (contact the DNR's Natural Heritage and Nongame Research Program if you wish to determine if your project or home is in one of these areas), or in any other area where greater protection for Blanding's turtles is desired.

List 1. Recommendations for all areas inhabited by Blanding's turtles.	List 2. Additional recommendations for areas known to be of state-wide importance to Blanding's turtles.
GENERAL	
A flyer with an illustration of a Blanding's turtle should be given to all contractors working in the area. Homeowners should also be informed of the presence of Blanding's turtles in the area.	Turtle crossing signs can be installed adjacent to road-crossing areas used by Blanding's turtles to increase public awareness and reduce road kills.
Turtles which are in imminent danger should be moved, by hand, out of harms way. Turtles which are not in imminent danger should be left undisturbed.	Workers in the area should be aware that Blanding's turtles nest in June, generally after 4pm, and should be advised to minimize disturbance if turtles are seen.
If a Blanding's turtle nests in your yard, do not disturb the nest.	If you would like to provide more protection for a Blanding's turtle nest on your property, see "Protecting Blanding's Turtle Nests" on page 3 of this fact sheet.
Silt fencing should be set up to keep turtles out of construction areas. It is critical that silt fencing be removed after the area has been revegetated.	Construction in potential nesting areas should be limited to the period between September 15 and June 1 (this is the time when activity of adults and hatchlings in upland areas is at a minimum).
WETLANDS	
Small, vegetated temporary wetlands (Types 2 & 3) should not be dredged, deepened, filled, or converted to storm water retention basins (these wetlands provide important habitat during spring and summer).	Shallow portions of wetlands should not be disturbed during prime basking time (mid morning to mid- afternoon in May and June). A wide buffer should be left along the shore to minimize human activity near wetlands (basking Blanding's turtles are more easily disturbed than other turtle species).
Wetlands should be protected from pollution; use of fertilizers and pesticides should be avoided, and run-off from lawns and streets should be controlled. Erosion should be prevented to keep sediment from reaching wetlands and lakes.	Wetlands should be protected from road, lawn, and other chemical run-off by a vegetated buffer strip at least 50' wide. This area should be left unmowed and in a natural condition.
ROADS	
Roads should be kept to minimum standards on widths and lanes (this reduces road kills by slowing traffic and reducing the distance turtles need to cross).	Tunnels should be considered in areas with concentrations of turtle crossings (more than 10 turtles per year per 100 meters of road), and in areas of lower density if the level of road use would make a safe crossing impossible for turtles. Contact your DNR Regional Nongame Specialist for further information on wildlife tunnels.
Roads should be ditched, not curbed or below grade. If curbs must be used, 4 inch high curbs at a 3:1 slope are preferred (Blanding's turtles have great difficulty climbing traditional curbs; curbs and below grade roads trap turtles on the road and can cause road kills).	Roads should be ditched, not curbed or below grade.

ROADS cont.	
Culverts between wetland areas, or between wetland areas and nesting areas, should be 36 inches or greater in diameter, and elliptical or flat-bottomed.	Road placement should avoid separating wetlands from adjacent upland nesting sites, or these roads should be fenced to prevent turtles from attempting to cross them (contact your DNR Nongame Specialist for details).
Wetland crossings should be bridged, or include raised roadways with culverts which are 36 in or greater in diameter and flat-bottomed or elliptical (raised roadways discourage turtles from leaving the wetland to bask on roads).	Road placement should avoid bisecting wetlands, or these roads should be fenced to prevent turtles from attempting to cross them (contact your DNR Nongame Specialist for details). This is especially important for roads with more than 2 lanes.
Culverts under roads crossing streams should be oversized (at least twice as wide as the normal width of open water) and flat-bottomed or elliptical.	Roads crossing streams should be bridged.
UTILITIES	
Utility access and maintenance roads should be kept to a minimum (this reduces road-kill potential).	
Because trenches can trap turtles, trenches should be checked for turtles prior to being backfilled and the sites should be returned to original grade.	
LANDSCAPING AND VEGETATION MANAGEMENT	
Terrain should be left with as much natural contour as possible.	As much natural landscape as possible should be preserved (installation of sod or wood chips, paving, and planting of trees within nesting habitat can make that habitat unusable to nesting Blanding's turtles).
Graded areas should be revegetated with native grasses and forbs (some non-natives form dense patches through which it is difficult for turtles to travel).	Open space should include some areas at higher elevations for nesting. These areas should be retained in native vegetation, and should be connected to wetlands by a wide corridor of native vegetation.
Vegetation management in infrequently mowed areas -- such as in ditches, along utility access roads, and under power lines -- should be done mechanically (chemicals should not be used). Work should occur fall through spring (after October 1 st and before June 1 st).	Ditches and utility access roads should not be mowed or managed through use of chemicals. If vegetation management is required, it should be done mechanically, as infrequently as possible, and fall through spring (mowing can kill turtles present during mowing, and makes it easier for predators to locate turtles crossing roads).

Protecting Blanding's Turtle Nests: Most predation on turtle nests occurs within 48 hours after the eggs are laid. After this time, the scent is gone from the nest and it is more difficult for predators to locate the nest. Nests more than a week old probably do not need additional protection, unless they are in a particularly vulnerable spot, such as a yard where pets may disturb the nest. Turtle nests can be protected from predators and other disturbance by covering them with a piece of wire fencing (such as chicken wire), secured to the ground with stakes or rocks. The piece of fencing should measure at least 2 ft. x 2 ft., and should be of medium sized mesh (openings should be about 2 in. x 2 in.). It is *very important* that the fencing be **removed before August 1st** so the young turtles can escape from the nest when they hatch!

REFERENCES

- ¹Association for Biodiversity Information. "Heritage Status: Global, National, and Subnational Conservation Status Ranks." NatureServe. Version 1.3 (9 April 2001). <http://www.natureserve.org/ranking.htm> (15 April 2001).
- Coffin, B., and L. Pfannmuller. 1988. Minnesota's Endangered Flora and Fauna. University of Minnesota Press, Minneapolis, 473 pp.

REFERENCES (cont.)

- Moriarty, J. J., and M. Linck. 1994. Suggested guidelines for projects occurring in Blanding's turtle habitat. Unpublished report to the Minnesota DNR. 8 pp.
- Oldfield, B., and J. J. Moriarty. 1994. Amphibians and Reptiles Native to Minnesota. University of Minnesota Press, Minneapolis, 237 pp.
- Sajwaj, T. D., and J. W. Lang. 2000. Thermal ecology of Blanding's turtle in central Minnesota. *Chelonian Conservation and Biology* 3(4):626-636.

Preventing Entanglement by Erosion Control Blanket

Plastic mesh netting is a common component in erosion control blanket. It is utilized to hold loose fibrous materials in place (EG straw) until vegetation is established. Erosion control blanket is being utilized extensively and is effective for reducing soil erosion, benefitting both soil health and water quality. Unfortunately there is a negative aspect of the plastic mesh component: It is increasingly being documented that its interaction with reptiles and amphibians can be fatal (Barton and Kinkead, 2005; Kapfer and Paloski, 2011). Mowing machinery is also susceptible to damage due to the long lasting plastic mesh.

Potential Problems:

- Plastic netting remains a hazard long after other components have decomposed.
- Plastic mesh netting can result in entanglement and death of a variety of small animals. The most vulnerable group of animals are the reptiles and amphibians (snakes, frogs, toads, salamanders, turtles). Ducklings, small mammals, and fish have also been observed entangled in the netting.
- Road maintenance machinery can snag the plastic mesh and pull up long lengths into machinery, thus binding up machinery and causing damage and/or loss of time cleaning it out.

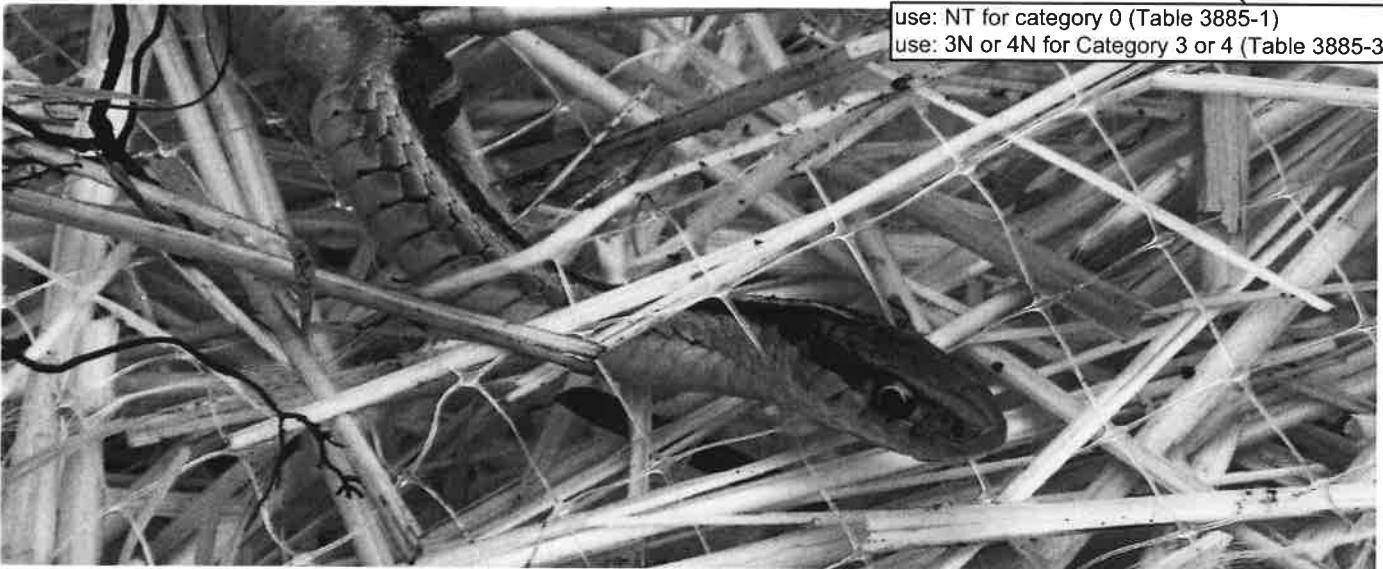
Suggested Alternatives:

- Do not use in known locations of reptiles or amphibians that are listed as Threatened or Endangered species.
- Limit use of blanket containing welded plastic mesh to areas away from where reptiles or amphibians are likely (near wetlands, lakes, watercourses, or rock outcrops) or habitat transition zones (prairie – woodland edges, rocky outcrop – woodland edges, steep rocky slopes, etc.)
- Select products with biodegradable netting (preferably made from natural fibers, though varieties of biodegradable polyesters also exist on the market). Biodegradable products will degrade under a variety of moisture and light conditions.
- DO NOT use products that require UV-light to degrade (also called “photodegradable”) as they do not degrade properly when shaded by vegetation.

← add bullet: Select BMP that does not contain plastic. EG disk anchoring

Solution: Most categories of erosion control blanket and sediment control logs are available in natural net options.

- Specify 'Natural Netting' for rolled erosion control products, per MnDOT Spec 3885. See Table 3885-1.
- Specify 'Natural Netting' for sediment control logs, per MnDOT Spec 3897



The plastic mesh component of erosion control blanket becomes a net for entrapment.

Literature Referenced

Barton, C. and K. Kinkead. 2005. Do erosion control and snakes mesh? Soil and Water Conservation Society 60:33A-35A.
Kapfer, J.M., and R.A. Paloski. 2011. On the threat to snakes of mesh deployed for erosion control and wildlife exclusion. Herpetological Conservation and Biology 6:1-9.



Brainerd City Council Agenda Request

Requested Meeting Date: July 20, 2020

Title of Item: Conditional Use Permit Amendment - Harrison Elementary School

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): David Chanski, CDD	Estimated Time Needed: 5 minutes
Summary of Issue: Reid Theisse, ISD #181 Director of Buildings and Grounds, has submitted a request on behalf of Independent School District #181 for an amendment to the Conditional Use Permit for Harrison Elementary School at 1515 Oak St., Brainerd, MN 56401. ISD #181 has requested that 1) the requirement of boulevard trees in the sidewalk in front of the original building be removed as it has been determined that the existing mature trees currently present will not need to be removed, and 2) allow the boulevard trees in front of the new parking lot be moved onto the school's property on the inside of the sidewalk as a CTC fiber optic line was found to be shallowly buried in the right-of-way.	
Alternatives, Options, Effects on Others/Comments: The Planning Commission considered this request during their regular meeting on July 15. The Commission voted 5-1 to approve this CUP amendment with the condition that, should a tree be damaged, become ill, or otherwise be removed, it shall be replaced in an esthetically pleasing and compatible manner.	
Recommended Action/Motion: Motion to approve the CUP Amendment request for Harrison Elementary School with the condition that, should a tree be damaged, become ill, or otherwise be removed, it shall be replaced in an esthetically pleasing and compatible manner.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



City Planning Department

City Hall – 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2316
www.ci.brainerd.mn.us

Receipt # _____

Check # _____

Date Paid: _____

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

RESIDENTIAL

COMMERCIAL

CONDITIONAL USE PERMIT

☐

(\$250.00)

☐

(\$400.00 + \$500.00 escrow deposit)

REZONING

☐

(\$300.00)

☐

(\$500.00)

VARIANCE

☐

(\$250.00)

☐

(\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 1515 Oak St, Brainerd, MN 56401

LEGAL DESCRIPTION: Lot(s): 8-10 Block: 16 Addition: Sleeper's Addition
(attach description if lengthy)

Property Owner Name: ISD 181 - Brainerd Public Schools

Street Address: 804 Oak St City: Brainerd State: MN Zip Code 56401

Phone Number: 218-464-6906 Fax: _____ E-mail: reid.thiesse@isd181.org

Applicant Name: (If different than Property Owner) _____

Street Address: _____ City: _____ State: _____ Zip Code: _____

Phone Number: _____ Fax: _____ E-mail: _____

Description of Request: To ammend the CUP Conditions to allow for trees along Oak St to be either removed from the CUP plan because of the original trees being salvaged on site or to allow for the required trees to be planted on the north side of the Oak St sidewalk. In addition, the trees on the south side of the proposed parking lot located in the space between the sidewalk and Oak St are shown on the plans but are located over a CTC fiber duct bank. Request would be to relocate them to the north side of the sidewalk closer to the parking lot.

Property Owner Signature

Reid Thiesse

(Please print name)

07/01/2020

Date

Applicant Signature

Reid Thiesse

(Please print name)

07/01/2020

Date

(OVER)

City of Brainerd

Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: July 15, 2020

RE: Harrison Elementary CUP Amendment

Reid Theisse, ISD #181 Director of Buildings and Grounds, has submitted a request on behalf of Independent School District #181 for an amendment to the Conditional Use Permit for Harrison Elementary School at 1515 Oak St., Brainerd, MN 56401.

This CUP amendment request is regarding the required boulevard trees along Oak St.

Findings of Fact

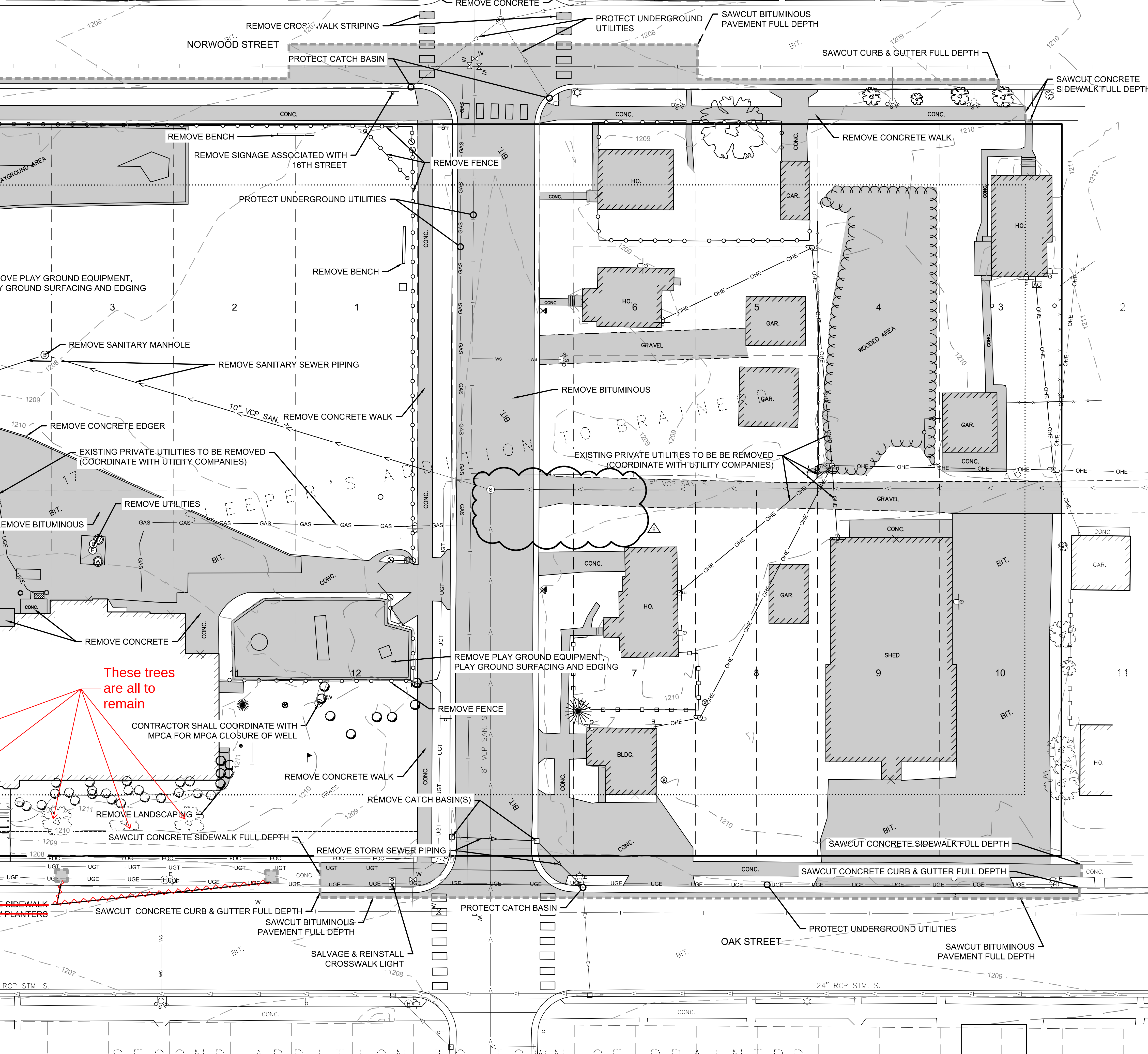
1. Harrison Elementary School is located in a R-2 (Medium Density Residential) District.
2. The operation of a school in a R-2 District is considered a conditional use per [Section 515-56-5.K](#) of the Code of Ordinances.
3. The current Harrison Elementary School CUP was approved by the City Council on April 1, 2019.
4. The current CUP has 3 conditions:
 - a. The lighting shall be no greater than 12' in height.
 - b. The applicant shall provide street trees of a species with a straight trunk and an upper canopy to frame the edge of Oak Street between the sidewalk and the curb in which the sidewalk will be moved 5' from the curb to accommodate the installation of trees.
 - c. Need to provide either a turnaround or easement across their property to allow access through the alley.
5. ISD #181 is requesting two changes to the second condition of the CUP:
 - a. Remove the requirement for boulevard trees in the sidewalk in front of the original building between 15th St. SE and vacated 16th St. SE.
 - i. Four mature trees are currently present on the school's property adjacent to the sidewalk line.
 - ii. The trees' canopies do hang over the right-of-way.
 - iii. It has been determined that there will be no need to remove these trees.
 1. At the time of CUP submittal in 2019, it was unknown whether these trees could be saved.
 - iv. ISD #181 does not intend to replace the section of sidewalk between 15th St. SE and vacated 16th St. SE at this time.

GENERAL DEMOLITION PLAN NOTES

- THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CHASCE 98-2, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".
- CONTRACTOR SHALL CALL GOPHER STATE ONE CALL PRIOR TO BEGINNING REMOVALS.
- PRIVATE UTILITY LOCATES ARE TO BE COORDINATED WITH THE ENGINEER. THE PRIVATE LOCATES WILL BE DONE BY GOPHER STATE ONE CALL.
- ALL EROSION CONTROL MEASURES AS SHOWN ON THE EROSION CONTROL PLAN ARE TO BE IN PLACE PRIOR TO BEGINNING REMOVALS.
- CONTRACTOR SHALL PROTECT ALL EXISTING STRUCTURES, CONCRETE PAVEMENT, BITUMINOUS PAVEMENT, BUILDINGS, LIGHT POLES & BASES, ETC. NOT NOTICED FOR DEMOLITION & REMOVAL DURING REMOVALS. ANY DAMAGED STRUCTURES TO REMAIN SHALL BE REPAIRED OR REPLACED AT NO COST TO THE OWNER.
- ALL SAWCUT EDGES IN CONCRETE WALK, CONCRETE PAVEMENT AND BITUMINOUS PAVEMENT SHALL BE PROTECTED AFTER REMOVALS THROUGH THE DURATION OF THE PROJECT. PAYMENT FOR SAWCUTTING WILL BE MADE ONLY ONCE. ADDITIONAL SAWCUTTING TO MAINTAIN A CLEAN SAWCUT EDGE WILL BE AT THE EXPENSE OF THE CONTRACTOR.
- ALL MATERIALS IDENTIFIED FOR REMOVAL SHALL BE DISPOSED OFF SITE IN ACCORDANCE WITH FEDERAL, STATE AND LOCAL LAWS.

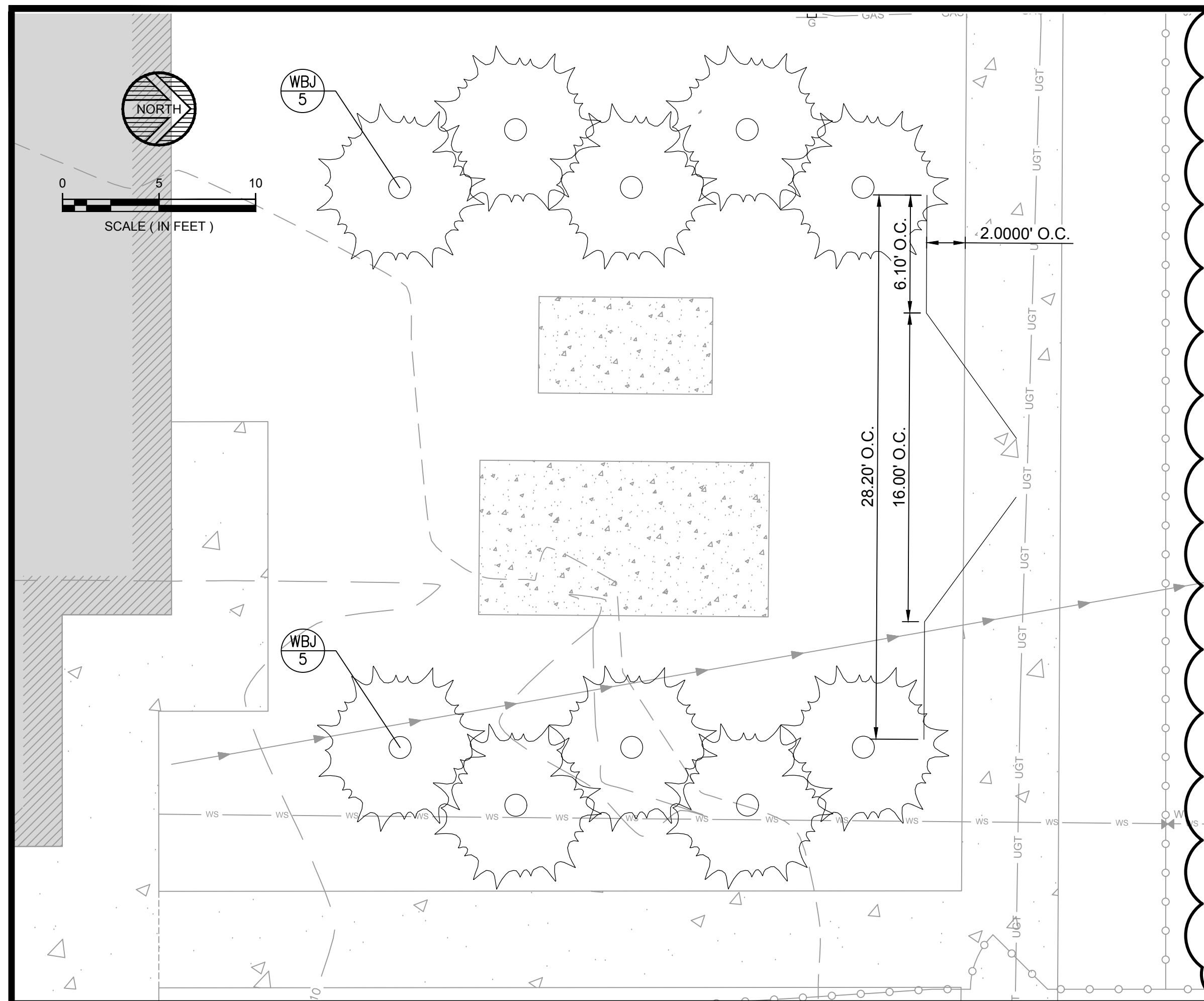
GENERAL CONSTRUCTION NOTES

- THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY OWNER OF ANY DIFFERENCES BETWEEN THE FIELD AND PLAN.
- UNLESS OTHERWISE NOTED, ALL MATERIALS, CONSTRUCTION TECHNIQUES AND TESTING SHALL CONFORM TO THE 2013 ED. OF THE "STANDARD SPECIFICATIONS FOR TRENCH EXCAVATION AND BACKFILL/SURFACE RESTORATION, WATERMAIN AND SERVICE LINE INSTALLATION AND SANITARY SEWER AND STORM SEWER INSTALLATION" AS PUBLISHED BY THE CITY ENGINEERS ASSOCIATION OF MINNESOTA AND THE "STANDARD SPECIFICATIONS FOR CONSTRUCTION AS PUBLISHED BY THE MINNESOTA DEPARTMENT OF TRANSPORTATION 2018 ED. THE CONTRACTOR SHALL REQUIRE ALL PROCEDURES AS OUTLINED BY THE LOCAL AGENCY.
- THE CONTRACTOR SHALL RECEIVE THE NECESSARY PERMISSION/PERMITS FOR ALL WORK LOCATED OUTSIDE OF THE MUNICIPAL RIGHT-OF-WAY AND PROPERTY LIMITS.
- THE CONTRACTOR SHALL VERIFY ALL EXISTING INVERT LOCATIONS AND ELEVATIONS PRIOR TO BEGINNING CONSTRUCTION.



SECOND ADDITION TO TOWN OF BRAINERD

J:\0218-Independent School District 181\0218\B0083-Program Management Services\0218\B0083.040-Harrison Elementary Remodel\CADD\Civil-EX-0218\B0083.040.dwg Plotted by Tim Ramerth 5/8/2019 3:04:18 PM © 2019 WIDESTH SMITH NOLTING



PLANT SCHEDULE						
ITEM	SYM	COMMON NAME	BOTANICAL NAME	QTY	MAX SIZE	ROOT
Deciduous Tree	NAH	Northern Acclaim Honeylocust	Gleditsia triacanthos var. inermis 'Harve'	3	H: 35-45' W: 30-35'	Ball
	BL	Boulevard Linden	Tilia americana 'Boulevard'	2	H: 60' W: 30'	Ball
	EHH	Eastern Hop Hornbeam	Ostrya virginiana	5	H: 30-50' W: 25'	Ball
Coniferous Tree	WBJ	Wichita Blue Juniper	Juniperus scopulorum 'Wichita Blue'	10	H: 18' W: 8'	Cont.
Shrub	MF	Meadowlark Forsythia	Forsythia 'Meadowlark'	6	H: 8-10' W: 6-10'	5 Gal.
	AJN	First Editions Amber Jubilee Ninebark 'Jefam'	Juniperus scopulorum 'Wichita Blue'	3	H: 18' W: 8'	Cont.
Perennial	MJ	Maney Juniper	Juniperus Chinensis 'Maney'	8	H: 4-6' W: 5-6'	Cont.
	LB	Blue Heaven Little Bluestem	Schizachyrium scoparium 'MinblueA'	20	H: 4-5' W: 24-30"	Cont.
	BES	Black Eyed Susan	Rudbeckia Fulgida 'Goldstrum'	10	H: 24-30" W: 24-30"	Cont.

- SYMBOLS LEGEND**
- | | | | |
|--|---|--|--|
| | SHADE TREE
NORTHERN ACCLAIM
HONEYLOCUST | | SHRUB
MEADOWLARK FORTSYTHIA |
| | SHADE TREE
BOULEVARD LINDEN | | SHRUB
AMBER JUBILEE NINEBARK |
| | SHADE TREE
EASTERN HOP HORNBEAM | | PERENNIAL
BLUE HEAVEN LITTLE BLUESTEM |
| | CONIFEROUS TREE
WICHITA BLUE JUNIPER | | PERENNIAL
BLACK EYED SUSAN |
| | SHRUB
MANEY JUNIPER | | |

- | | |
|--|------------------------------|
| | HARDWOOD MULCH |
| | BLUEBERRY
DELIGHT JUNIPER |

PLANT SYMBOL (SEE SCHEDULE)
QUANTITY, THIS LOCATION

LANDSCAPE PLANTING REQUIREMENTS:
BASE REQUIREMENTS:

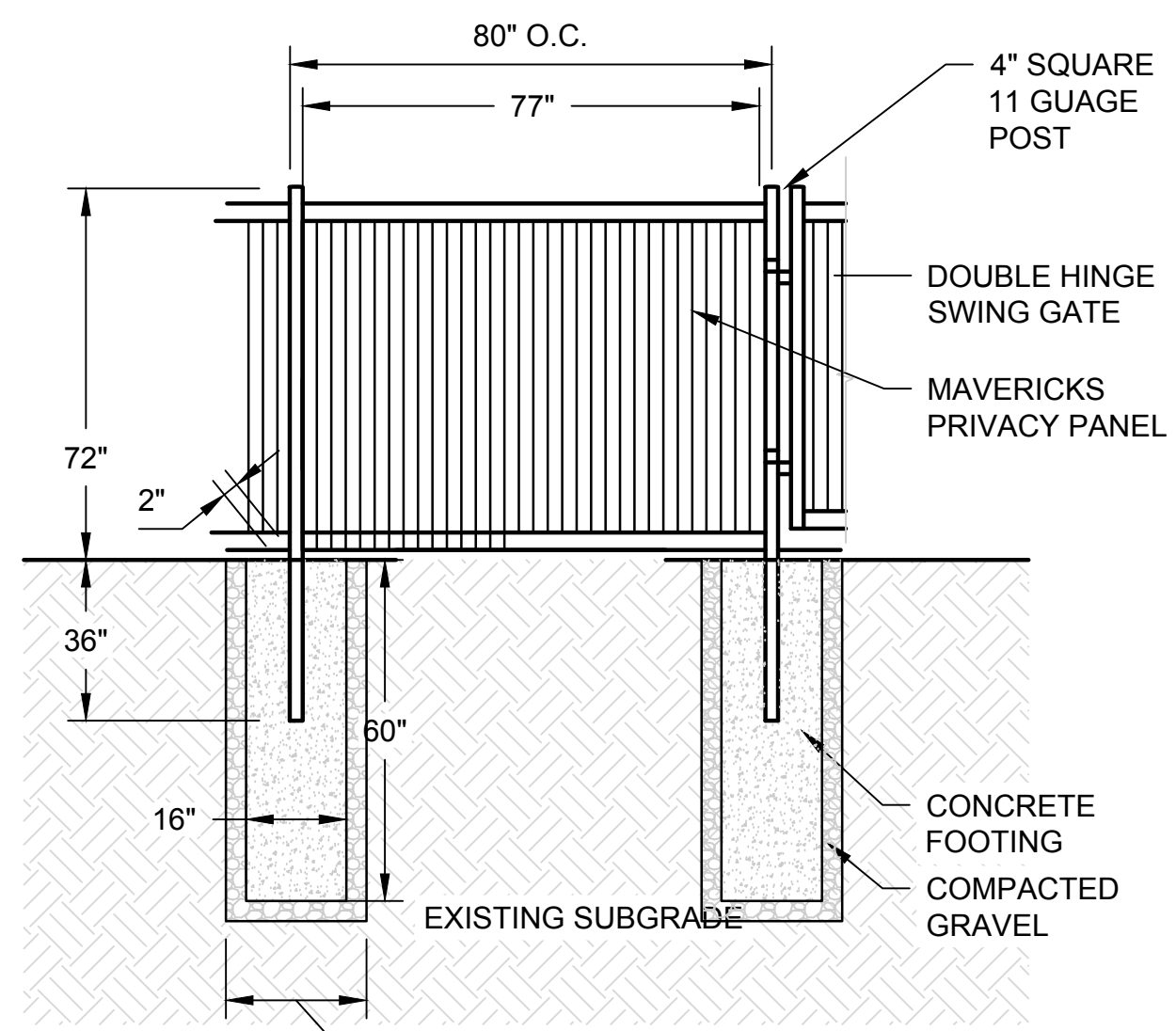
OVERSTORY TREES

1 TREE/ 3000 SF OF GREEN SPACE
-75,000 SF = 25 TREES
-10 EXISTING TREES = 10 TREES

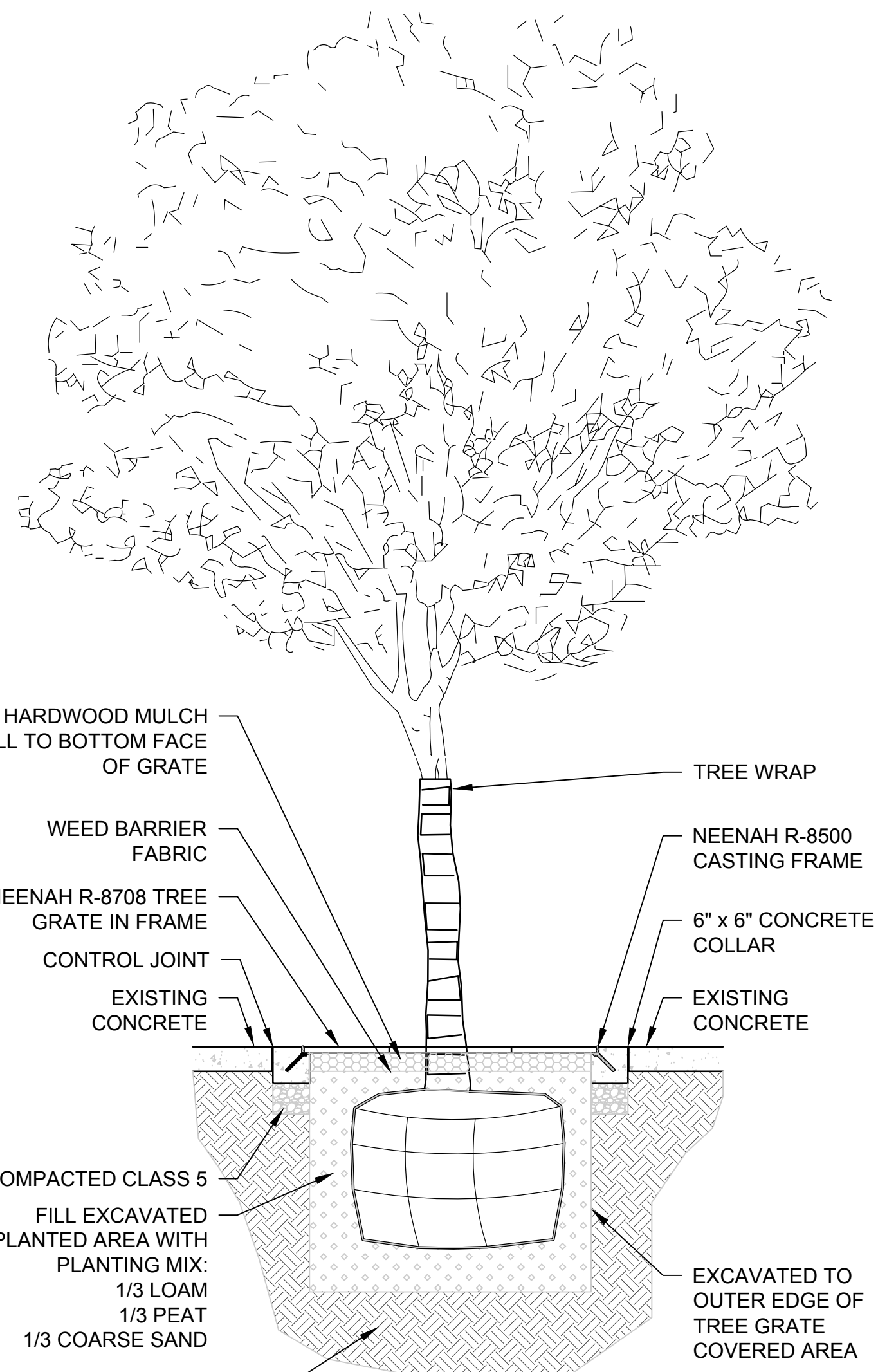
PARKING LOT REQUIREMENTS

1 TREE/ 10 PARKING SPACES
- NA = NA

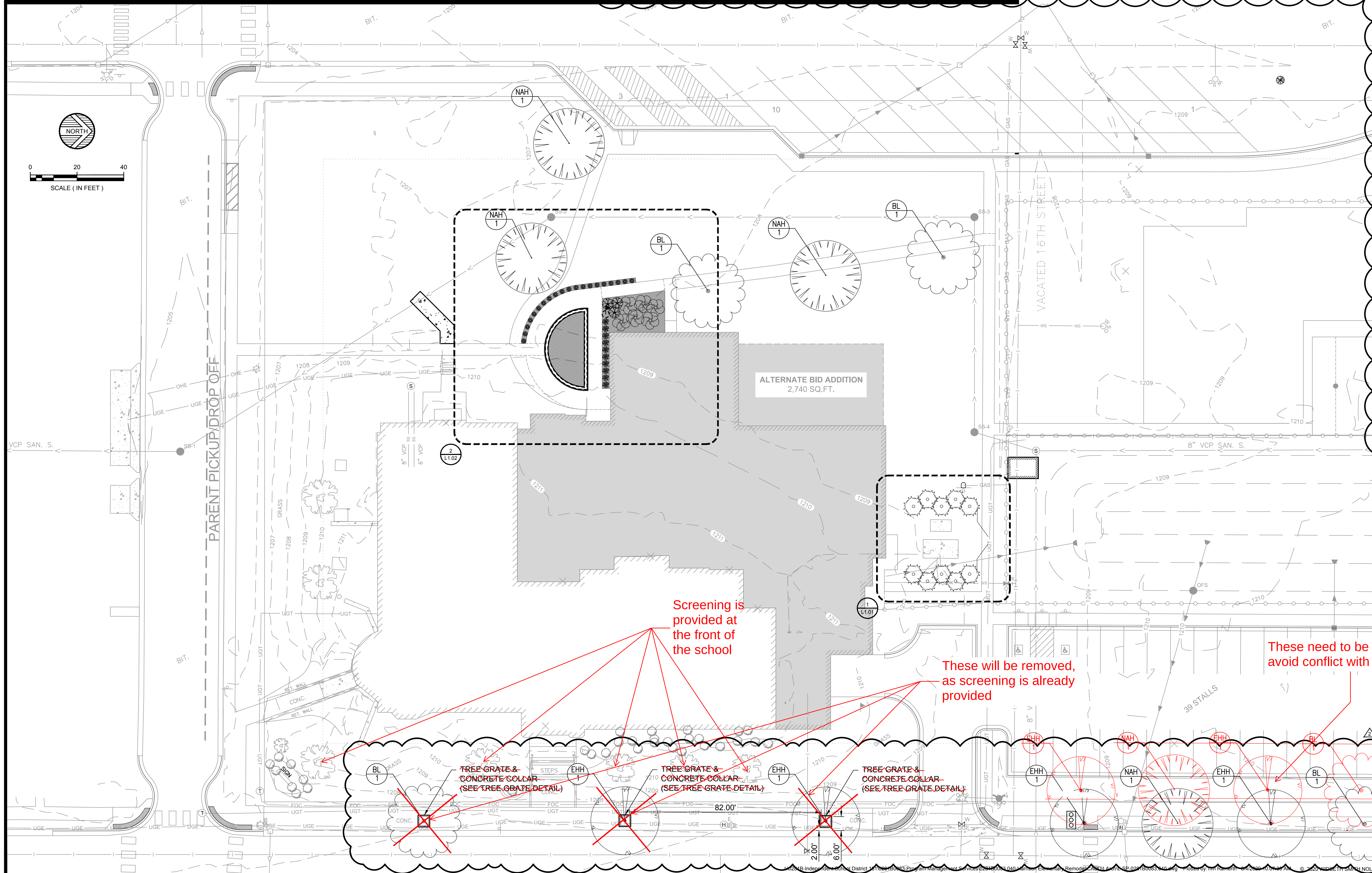
TOTAL TREES REQUIRED = 25
EXISTING TREES = 10
PROPOSED TREES = 15



FENCE DETAIL
SCALE: NONE



TREE GRATE DETAIL
SCALE: NONE



Project Name:



HARRISON
ELEMENTARY
SCHOOL
ADDITION &
REMODEL

Project Location:
1515 OAK
STREET
BRAINERD, MN.

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THESE DOCUMENTS HAVE BEEN PREPARED SPECIFICALLY FOR THE PROJECT ONLY. THEY
ARE NOT TO BE REPRODUCED OR USED FOR ANY OTHER PROJECTS OR FOR ANY OTHER PURPOSES
WITHOUT THE EXPRESS WRITTEN APPROVAL AND REPERATION OF ICS Consulting.

MARK	DATE	REVISION
△	3/26/19	ADDENDA NO. 2

I hereby certify that this plan, specification,
or report was prepared by me or under my
direct supervision, and that I am a duly
Licensed Professional Engineer under the
State of Minnesota.

Signature:
Printed Name: TIMOTHY T. RAMERTH
Date: 02/21/2019 Reg. No: 41966

Project Information:
Project No.: 028180083.040
Drawn By: RSH
Checked By: TTR
Date: FEBRUARY 2019
File Name:

Sheet Title:
LANDSCAPE PLAN

Sheet Number:
L1.01

CERTIFICATION OF CONDITIONAL USE PERMIT

STATE OF MINNESOTA)
COUNTY OF CROW WING) ss.
CITY OF BRAINERD)

A meeting of the City Council of the City of Brainerd, Minnesota, was duly held at the Brainerd City Hall Chambers on the 1st day of April, 2019.

Upon roll call, the following members were noted present: Johnson, Hilgart, Lambert, Stunek, Bevans, Badeaux and Pritschet. Mayor Menk was also noted as present.

Conditional Use Permit – Request from Laine Larson, Superintendent ISD#181, 804 Oak Street, Brainerd on behalf of Brainerd Public Schools to construct an addition to Harrison Elementary School including but not limited to an addition to the school building, new parking and new playground. The properties included in this application are described as:

Lots 9, 10 and the East Half of Lot 8, all in Block 16, SLEEPER'S ADDITION TO THE CITY OF BRAINERD
PIN 09181016008A009 and 09181016009Z009

The West Half of Lot 8, and the South 60 feet of Lot 7, all in Block 16, SLEEPER'S ADDITION TO THE CITY OF BRAINERD
PIN 09181016007B009 and 09181016008B009

Township 45 Range 30 Section 30

Findings-of-Fact:

1. Upon rezoning from a B-2 Neighborhood Business District to an R-2 Medium Density Residential District, the operation of a school on the aforementioned properties is considered a conditional use per Section 515-56-5.K. of the Code of Ordinances.
2. The proposed addition meets the following criteria as required by the aforementioned section of the Code:
 - a. The site accesses a major collector.
 - i. The school is located on SE 15th Street between Oak and Norwood Streets
 - b. The site is landscaped in accordance with Section 20 of the Zoning Code.
 - i. The landscape plan has been reviewed by staff and deemed adequate
 - c. Off-street parking is provided in accordance with Section 22 of the Zoning Code.
 - i. The realignment of bus parking from Oak to Norwood Street in addition to a new parking lot constructed on Oak Street will provide sufficient off-street parking.
 - d. Off-street loading and service entrances are provided as regulated by Section 23 of the Zoning Code.
 - i. The provided off-street loading entrances are sufficient.
 - e. Emergency vehicle access is provided to and within the site.
 - i. There is sufficient access for emergency vehicles.
3. ISD#181 has submitted for the vacation of SE 16th Street between Oak and Norwood Streets.
4. ISD#181 has purchase agreements in place to acquire all the properties associated with this project that are not currently owned by the district.

Conditions:

- The lighting shall be no greater than 13' in height
- The applicant shall provide street trees of a species with a straight trunk and an upper canopy to frame the edge of Oak Street between the sidewalk and the curb in which the sidewalk will be moved 5' from the curb to accommodate the installation of trees.
- Need to provide either a turnaround or easement across their property to allow access through the alley.

Members Johnson, Hilgart, Bevans, Lambert, Stunek, Badeaux and Pritschet voted "aye". No member voted "nay". The Chair declared the motion carried.

(S E A L)

CASSANDRA TORSTENSON
City Administrator

- b. Allow the boulevard trees in front of the new parking lot between vacated 16th St. SE and the residence at 1617 Oak St. be moved onto the school's property on the inside of the sidewalk.
 - i. This request is due to the fact that a CTC fiber optic line was found to run the length of that section of right-of-way, and there is a concern that the line could be cut during planting of trees or future tree growth may interfere with the line.
 - 1. Additionally, any maintenance to the line would likely result in damage to the trees.
 - ii. The 5' boulevard will still be seeded with grass and maintained by ISD #181.

As of this writing, a number of parties have contacted the Community Development Department with questions about this amendment request, but none have expressed concerns or objections to it.

Staff Opinion

Staff recommends approval of the CUP amendment request.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Reid Theisse, ISD #181 Director of Buildings and Grounds, has submitted a request on behalf of Independent School District #181 for an amendment to the Conditional Use Permit for Harrison Elementary School at 1515 Oak St., Brainerd, MN 56401. This CUP amendment request is regarding the required boulevard trees along Oak St. The property is legally described as:

*Lots 8 through 10 Block 16, Sleeper's Addition to the City of Brainerd
P.I.N. 41300599
Section 30, Township 45, Range 30*

The property is zoned R-2 (Medium Density Residential) District. A copy of the proposed site plan is on file for review with the Community Development Department.

A Public Hearing to consider this Conditional Use Permit amendment request will be conducted by the Brainerd Planning Commission at 6:00 p.m. on Wednesday, July 15, 2020 in the Brainerd City Council Chambers located 501 Laurel St., Brainerd, MN 56401.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2307.

Dated this 1st day of July 2020

Publication Date: July 5, 2020

David C. Chanski, MPA
Community Development Director



07/07/2020 09:53



WHERE
EVERYBODY

**HARRISON
ELEMENTARY**

07/07/2020 09:55



Brainerd City Council Agenda Request

Requested Meeting Date: July 20, 2020

Title of Item: Zoning Code Update RFP

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): David Chanski, CDD	Estimated Time Needed: 5 minutes
Summary of Issue: As part of the 2020 budget, the City Council allocated \$50,000 in the capital improvement fund for updating the City's zoning code, and an additional \$50,000 was preliminarily placed in the capital improvement plan for 2021. Staff is requesting Council's authorization to field the attached Request for Proposals and Qualifications for Zoning Code Update Services.	
Alternatives, Options, Effects on Others/Comments: The goal of this RFP is to identify a consultant who specializes in zoning code updates to guide the City through the update process. The desired process starts with internal discussions about the ultimate goals for the update and what kind of changes the City would like to see and culminates with a complete repeal and replace - entirely or in part - of the zoning code. Staff also desires to get this RFP fielded so that the funds budgeted in 2020 can be used and so that any necessary funds needed in 2021 can be adequately budget for. The Planning Commission has reviewed this RFP and have given their full support for it.	
Recommended Action/Motion: Motion to authorize staff to field the Request for Proposals and Qualification for Zoning Code Update Services.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>N/A</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> The ultimate cost of the zoning code update will not be known until responses to the RFP have been received.	

City of Brainerd
Request for Proposals and Qualifications
For Zoning Code Update Services

I. Summary

The City of Brainerd, Minnesota (the “City”) is seeking professional planning services (the “Consultant”) to lead the City in updating its zoning code. The City desires an approach that takes its current more traditional zoning standards and updates them in a way that specifically speaks to the unique character of the City’s neighborhoods and commercial corridors with an emphasis on in-fill and mixed-use development and redevelopment while shifting the focus from primarily the use of development to the physical character of development. The final product must be an innovative, intuitive, highly-illustrative, and user-friendly code that will implement the vision City’s comprehensive plan, which was updated and adopted by the City Council in October 2019.

Proposals must be received by the City no later than 4:30p.m. on Friday, August 14, 2020 and should be addressed to:

City of Brainerd
Attn: David Chanski
501 Laurel St.
Brainerd, MN 56401

Submit three (3) copies of the proposal in a sealed mailing envelope, or package, with the responder’s name and address written on the outside. The envelope, or package, must be clearly identified with “Zoning Code RFP” on the outside. At least one copy of the proposal must be signed in ink by an authorized member of the firm. **Prices and terms of the proposal as stated must be valid until December 31, 2020, and for the length of any resulting contract.** The City is not bound to enter into a contract with any respondent and may delay entering into a contract with any respondent for up to 4 months.

II. General Information

Incorporated in 1873 along the banks of the Mississippi River, the City of Brainerd is chartered, home rule city located in and is the seat of Crow Wing County, serves as the economic and social hub for the 5 region area of Crow Wing, Cass, Morrison, Todd, and Wadena counties, and is approximately 100 miles from the Twins Cities. The City has an area of approximately 8.4 square miles and a population of approximately 13,465. The City’s zoning code last underwent a significant update in 2008, and a major comprehensive plan update was adopted by the City Council in October 2019.

The majority of the City was developed prior to 1950, with much of the existing commercial and residential architecture as well as platting dating back to the late 1800's. While the City's planning commission dates back to the late 1950's, it did not have a dedicated planning operation until 1980's when the City hired its first city planner. Due to these factors, much of the community does not conform to most traditional zoning standards. As such, the City is seeking an approach that promotes the preservation and enhancement of the unique character of the City's neighborhoods and commercial corridors. Additionally, as the City is almost entirely built out, an emphasis on in-fill and mixed-use development and redevelopment that promotes a mix of housing types with an emphasis on site and building form while also improving residents' ability to find goods and services within close proximity to their homes is desired.

The City's zoning code can be found at: <http://ci.brainerd.mn.us/212/Zoning-Code>

The City's comprehensive plan can be found at:
https://www.ci.brainerd.mn.us/DocumentCenter/View/5324/Brainerd_ComprehensivePlan

III. Content of Proposal

The purpose of this section is to identify the information that should be submitted:

A. Title Page

Show the proposal subject, the name of the consultant's company, address, telephone number, email, name of the contact person, and the date.

B. Table of Contents

Include a clear identification of the material by section and by page number

C. Identification and Qualifications of Assigned Personnel

The ideal consultant (a company or individual) should have extensive experience in updating municipal zoning codes with an emphasis on form-based zoning and preservation of historical architecture. Include the following:

1. The names, qualifications, and resumes of the person(s) who will be responsible for the implementing the zoning code update.
2. Background information concerning the consultant, including the number of years in business under this name and the number and breakdown of personnel in the proposing office.

D. Consultant's Detailed Approach to the Scope of Services

The proposal shall address in detailed fashion the approach of the consultant to the Scope of Work.

E. Basis for Compensation

The consultant should outline the basis for compensation including identification of all rates and reimbursable expenses.

F. List of References and Potential Conflicts

1. A list of public clients shall be provided.
2. Potential conflicts of interest must be disclosed

G. Disclosures and Assurances

1. Applicant Authority – Assurance that the signatory making representations in the proposal on behalf of the consultant has the authority to do so.
2. Insurance Coverage – Documentation of current insurance coverage and limits, including professional liability insurance shall be provided with the proposal.

IV. Scope of Work

The finished product should be a complete repeal and replace – entirely or in part – of the zoning code. The new code must be intuitive, highly-illustrative, and user-friendly. While the entirety of the zoning code shall be under review, specific attention should be focused on reducing the City's 18 zoning districts into compact mixed-use districts that speaks to the unique character of each neighborhood and commercial corridor while shifting the focus from primarily the use of development to the physical character of development.

The Scope of Work should include the items listed below. City staff will work with the selected consultant to establish specific times lines, budget and deliverables for the project. The Consultant shall be responsible for writing the new zoning code, as well as providing guidance on best practices and trends, and checking assumptions.

A. Diagnose Current Zoning Code

- Review current code for inconsistencies and conflicts with best practices and trends.
- Review the 2035 Comprehensive Plan. The Consultant will identify goals, recommendations, and implementation strategies, to ensure the new code is consistent with the Comprehensive Plan.
- Guide the City through discussions on desired changes to the zoning code and ultimate goals for the final product.
- Develop recommendation for the use of form-based elements within the code.
- Evaluate existing zoning districts and compare to the unique characteristics and needs of each neighborhood and commercial corridor.
- Propose timeline for the completion of the new code, including if such policies such as development moratoriums should be put into place during the update process.

B. Internal and External Outreach

- Conduct input and process update sessions with internal stakeholders including but not limited to the City Council, Planning Commission, Economic Development Authority, and Housing & Redevelopment Authority.
- Develop and execute a plan for informing and receiving input from the Brainerd community.

C. Draft Document

- Prepare drafts of the zoning ordinance, including graphics for review by staff, culminating in a final version to be presented to acted upon by the Planning Commission and City Council.

D. Implementation

- Work with City staff to make the new code interactive and accessible to the public.
- Work with City staff to develop informational campaign regarding major changes to the code.

V. Selection

The City of Brainerd reserves the right to reject any or all proposals and is not bound to accept the lowest cost proposal if that proposal is contrary to the best interest of the City. All proposals shall be considered valid until December 31, 2020.

Selection of the company or individual shall be based upon, but not limited to, the following criteria:

- The consultant's approach to and understanding of the Scope of Work.
- The consultant's experience with similar contracts and clients.
- The experience and qualifications of the proposed staff in providing similar services.
- The extent to which previous clients have found the consultant's services acceptable.
- The consultant's most significant qualifications for this project.
- Previous City experience with the consultant, if any.

VI. Terms and Conditions

- A. The City of Brainerd reserves the right to cancel or amend the request for proposals at any time. The City reserves the right to determine the successful respondent. The City reserves the right to reject any or all proposals.
- B. The City of Brainerd will not be liable for any costs incurred by the company or individual responding to this request.

- C. The company or individual shall not assign any interest in this proposal and shall not transfer any interest in the same without the prior written consent of the City of Brainerd.
- D. For the purposes of this agreement, the consultant shall be deemed to be an independent contractor, and not an employee of the organization. Any and all agents, servants, or employees of the firm or other persons, while engaged in the performance of any work or services required to be performed by the City of Brainerd under this agreement, shall not be considered employees of the City of Brainerd and any and all actions which arise as consequence of any act or omission on the part of the consultant, its agents, servants, employees or other persons shall in no way be the obligation or responsibility of the City of Brainerd. The consultant, its agents, servants, or employees shall be entitled to none of the rights, privileges, or benefits of the organization employees except as otherwise may be stated herein.
- E. No official or employee of the City of Brainerd who exercise any responsibilities in the review, approval or carrying out of the proposal shall participate in any decision which affects his or her direct or indirect personal or financial interest.

MEMO



TO: Mayor and City Council

FROM: City Administrator, Jennifer Bergman

DATE: July 20, 2020

RE: City Administrator Report/Update

Goals

We are working on compiling the goals from the July 13th goals session for the Council to consider. This will be on the August 3rd City Council meeting agenda.

CARES Act

We will be presenting a recommendation to the City Council on the CARES Act funding at the August 3rd meeting. Our recommendation will be in three categories: 1) City COVID'-19 expenses to date; 2) Anticipated City COVID expenses through 11/15/2020; and, 3) Amount available and eligible expenditures for small businesses, non-profits and/or residents. We will be meeting with Mary Reedy from CliftonLarsonAllen to discuss eligible expenditures and a meeting is scheduled with the City of Baxter and Crow Wing County for July 20th to discuss plans for CARES Act funds.

Opening of City Hall

Midwest Security and Gull Lake Glass are scheduled to install the door release switches on Monday, July 20th. This is the final item to be able to safely open City Hall. We hope we will be making a request to the City Council to re-open City Hall at the Council meeting.